

By Senator Wise

5-01049C-11

20111696\_\_

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

5-01049C-11

20111696

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

5-01049C-11

20111696

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

5-01049C-11

20111696

88 relating to industry-certified career education  
89 programs; requiring that rules adopted by the State  
90 Board of Education establish a process for weighing  
91 the value of industry certifications based on the  
92 rigor of the certification and its employment value to  
93 state businesses and industry; amending s. 1003.493,  
94 F.S.; revising provisions relating to career and  
95 professional academies to include middle schools;  
96 requiring that students who are completing a middle  
97 school career and professional academy program have an  
98 opportunity to earn an industry certification, high  
99 school credit, and participate in career planning, job  
100 shadowing, and leadership development opportunities;  
101 requiring that middle school career and professional  
102 academies align with high school career and  
103 professional academies; providing for partnerships  
104 with high schools, businesses, industry, employers,  
105 economic development organizations, and other local  
106 community partners; amending s. 1003.575, F.S.;  
107 revising provisions relating to assistive technology  
108 devices for young persons with disabilities to require  
109 that any school having an individualized education  
110 plan team arrange to complete an assistive technology  
111 assessment within a specified number of days after  
112 receiving a request for such assessment; amending s.  
113 1003.621, F.S.; removing an exemption provided for  
114 high-performing school districts from compliance with  
115 requirements to requisition instructional materials  
116 from the publisher's depository; amending s. 1006.28,

5-01049C-11

20111696

117 F.S.; revising provisions relating to the duties of  
118 district school boards to conform provisions to  
119 changes made by the act; amending s. 1006.29, F.S.;  
120 revising provisions relating to state instructional  
121 materials; replacing references to state instructional  
122 materials committees with state instructional  
123 materials reviewers; requiring that the Commissioner  
124 of Education appoint state or national experts to  
125 review and evaluate instructional materials; amending  
126 s. 1006.30, F.S.; revising provisions relating to the  
127 affidavit of state instructional materials reviewers  
128 to conform to changes made by the act; amending s.  
129 1006.31, F.S.; revising provisions relating to the  
130 duties of each state instructional materials reviewer  
131 to conform to changes made by the act; amending s.  
132 1006.32, F.S.; conforming provisions to changes made  
133 by the act; amending s. 1006.33, F.S.; revising  
134 provisions relating to bids or proposals of  
135 instructional materials to conform provisions to  
136 changes made by the act; amending s. 1006.34, F.S.;  
137 revising provisions relating to the commissioner's  
138 powers and duties in selecting and adopting  
139 instructional materials; providing an exemption from  
140 the requirement that a rule having certain regulatory  
141 costs be ratified by the Legislature; providing for  
142 the Department of Education rather than the Department  
143 of Legal Affairs to prepare contracts for  
144 instructional materials; requiring that the contracts  
145 be executed by the Commissioner of Education rather

5-01049C-11

20111696

146 than by the Governor and Secretary of State; amending  
147 s. 1006.35, F.S.; conforming provisions relating to  
148 the accuracy of instructional materials to changes  
149 made by the act; amending s. 1006.36, F.S.; revising  
150 the term of adoption of any instructional materials  
151 from a 6-year period to a 5-year period; repealing s.  
152 1006.37, F.S., relating to the requisition of  
153 instructional materials from a publisher's depository;  
154 amending s. 1006.38, F.S.; revising provisions  
155 relating to the duties, responsibilities, and  
156 requirements of instructional materials publishers and  
157 manufacturers; requiring electronic delivery of copies  
158 to the Department of Education in accordance with  
159 procedures adopted by the State Board of Education;  
160 authorizing publishers to offer digital or electronic  
161 versions of instructional materials at reduced rates;  
162 amending s. 1006.39, F.S.; revising provisions  
163 relating to the production and dissemination of  
164 educational materials and products by the Department  
165 of Education to conform to changes made by the act;  
166 amending s. 1006.40, F.S.; revising provisions  
167 relating to the annual allocation for the purchase of  
168 digital, electronic, or web-based instructional  
169 materials; authorizing a district school board to  
170 purchase technology hardware using categorical funds  
171 for instructional materials under specified  
172 circumstances; amending s. 1006.43, F.S.; revising  
173 provisions relating to Department of Education's  
174 expenses and annual legislative budget requests to

5-01049C-11

20111696

175 conform to changes made by the act; amending s.  
176 1008.22, F.S.; revising provisions relating to the  
177 student assessment program for public schools;  
178 requiring that the Commissioner of Education direct  
179 school districts to participate in the administration  
180 of the National Assessment of Educational Progress or  
181 similar national or international assessment program;  
182 providing for future expiration of the requirement  
183 that school districts participate in international  
184 assessment programs; authorizing the school principal  
185 to exempt certain students from the end-of-course  
186 assessment in civics education; amending s. 1008.33,  
187 F.S.; revising provisions relating to public school  
188 improvement; requiring that the Department of  
189 Education categorize public schools based on the  
190 portion of a school's grade that relies on statewide  
191 assessments; revising the categorization of the  
192 lowest-performing schools; amending s. 1008.34, F.S.;

193 revising provisions relating to the designation of  
194 school grades to conform to changes made by the act;  
195 providing for assigning achievement scores and  
196 learning gains for students who are hospital or  
197 homebound; requiring that a school that does not meet  
198 minimal proficiency standards established by the State  
199 Board of Education receive a school grade of "F";  
200 amending s. 1011.01, F.S.; revising provisions  
201 relating to the annual operating budgets of district  
202 school boards and community college boards of  
203 trustees; amending s. 1011.03, F.S.; revising

5-01049C-11

20111696

204 provisions relating to tentative and final district  
205 school board budgets; requiring that an adopted budget  
206 be transmitted to the Department of Education;  
207 amending s. 1011.61, F.S.; redefining the term "full-  
208 time equivalent student" as it relates to students in  
209 virtual instruction programs; amending s. 1011.62,  
210 F.S.; revising provisions relating to funds for the  
211 operation of schools; providing that the value of the  
212 full-time equivalent student membership be determined  
213 by weights adopted by the State Board of Education;  
214 conforming provisions; amending s. 1012.39, F.S.;  
215 revising provisions relating to the employment of  
216 nondegreed teachers of career education; requiring  
217 that qualifications be established for nondegreed  
218 teachers of career and technical education courses for  
219 state-recognized program clusters; providing effective  
220 dates.

221

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

223

224 Section 1. Paragraph (a) of subsection (4) of section  
225 1001.20, Florida Statutes, is amended to read:

226 1001.20 Department under direction of state board.—

227 (4) The Department of Education shall establish the  
228 following offices within the Office of the Commissioner of  
229 Education which shall coordinate their activities with all other  
230 divisions and offices:

231 (a) *Office of Technology and Information Services.*—

232 Responsible for developing a systemwide technology plan, making



5-01049C-11

20111696\_\_

233 budget recommendations to the commissioner, providing data  
 234 collection and management for the system, assisting school  
 235 districts in securing Internet access and telecommunications  
 236 services, including those eligible for funding under the Schools  
 237 and Libraries Program of the federal Universal Service Fund, and  
 238 coordinating services with other state, local, and private  
 239 agencies. The office shall develop a method to address the need  
 240 for a statewide approach to planning and operations of library  
 241 and information services to achieve a single K-20 education  
 242 system library information portal and a unified higher education  
 243 library management system. ~~The Florida Virtual School shall be~~  
 244 ~~administratively housed within the office.~~

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

247 1001.42 Powers and duties of district school board.—The  
 248 district school board, acting as a board, shall exercise all  
 249 powers and perform all duties listed below:

250 (23) FLORIDA VIRTUAL SCHOOL.—Provide students with access  
 251 to ~~enroll in~~ courses available through the Florida Virtual  
 252 School and award credit for successful completion of such  
 253 courses. Access shall be available to students during and ~~or~~  
 254 after the normal school day and through summer school  
 255 enrollment.

256 Section 3. Paragraph (b) of subsection (5) of section  
 257 1002.33, Florida Statutes, is amended to read:

258 1002.33 Charter schools.—

259 (5) SPONSOR; DUTIES.—

260 (b) *Sponsor duties.*—

261 1.a. The sponsor shall monitor and review the charter

5-01049C-11

20111696\_\_

262 school in its progress toward the goals established in the  
263 charter.

264 b. The sponsor shall monitor the revenues and expenditures  
265 of the charter school and perform the duties provided in s.  
266 1002.345.

267 c. The sponsor may approve a charter for a charter school  
268 before the applicant has identified space, equipment, or  
269 personnel, if the applicant indicates approval is necessary for  
270 it to raise working funds.

271 d. The sponsor's policies shall not apply to a charter  
272 school unless mutually agreed to by both the sponsor and the  
273 charter school.

274 e. The sponsor shall ensure that the charter is innovative  
275 and consistent with the state education goals established by s.  
276 1000.03(5).

277 f. The sponsor shall ensure that the charter school  
278 participates in the state's education accountability system. If  
279 a charter school falls short of performance measures included in  
280 the approved charter, the sponsor shall report such shortcomings  
281 to the Department of Education.

282 g. The sponsor shall not be liable for civil damages under  
283 state law for personal injury, property damage, or death  
284 resulting from an act or omission of an officer, employee,  
285 agent, or governing body of the charter school.

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

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

5-01049C-11

20111696\_\_

291 j. The sponsor shall not impose additional reporting  
292 requirements on a charter school without providing reasonable  
293 and specific justification in writing to the charter school.

294 2. Immunity for the sponsor of a charter school under  
295 subparagraph 1. applies only with respect to acts or omissions  
296 not under the sponsor's direct authority as described in this  
297 section.

298 3. This paragraph does not waive a district school board's  
299 sovereign immunity.

300 4. A community college may work with the school district or  
301 school districts in its designated service area to operate  
302 ~~develop~~ charter schools ~~that offer secondary education~~. These  
303 Charter schools may ~~must~~ include an option for secondary  
304 students to receive an associate degree upon high school  
305 graduation. District school boards shall cooperate with and  
306 assist the community college on the charter application.  
307 Community college applications for charter schools are not  
308 subject to the time deadlines outlined in subsection (6) and may  
309 be approved by the district school board at any time during the  
310 year. Community colleges may not report FTE for any students who  
311 receive FTE funding through the Florida Education Finance  
312 Program.

313 Section 4. Paragraph (a) of subsection (1) of section  
314 1002.37, Florida Statutes, is amended to read:

315 1002.37 The Florida Virtual School.—

316 (1) (a) The Florida Virtual School is established for the  
317 development and delivery of online and distance learning  
318 education ~~and shall be administratively housed within the~~  
319 ~~Commissioner of Education's Office of Technology and Information~~

5-01049C-11

20111696\_\_

320 ~~Services.~~ The Commissioner of Education shall monitor the  
321 school's performance and report its performance to the State  
322 Board of Education and the Legislature.

323  
324 The board of trustees of the Florida Virtual School shall  
325 identify appropriate performance measures and standards based on  
326 student achievement that reflect the school's statutory mission  
327 and priorities, and shall implement an accountability system for  
328 the school that includes assessment of its effectiveness and  
329 efficiency in providing quality services that encourage high  
330 student achievement, seamless articulation, and maximum access.

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

333 1002.38 Opportunity Scholarship Program.—

334 (3) SCHOOL DISTRICT OBLIGATIONS.—

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

338 Section 6. Paragraph (b) of subsection (2) of section  
339 1002.45, Florida Statutes, is amended to read:

340 1002.45 School district virtual instruction programs.—

341 (2) PROVIDER QUALIFICATIONS.—

342 (b) An approved provider shall retain its approved status  
343 during the 3 school years ~~for a period of 3 years~~ after the date  
344 of the department's approval under paragraph (a) as long as the  
345 provider continues to comply with all requirements of this  
346 section.

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

5-01049C-11

20111696\_\_

349 1002.67 Performance standards; curricula and  
350 accountability.—

351 (1) By April 1, 2005, the department shall develop and  
352 adopt performance standards for students in the Voluntary  
353 Prekindergarten Education Program. The performance standards  
354 must address the age-appropriate progress of students in the  
355 development of:

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

358 (b) Emergent literacy skills, including oral communication,  
359 knowledge of print and letters, phonemic and phonological  
360 awareness, and vocabulary and comprehension development.

361 (c) The State Board of Education shall periodically review  
362 and revise the performance standards for the statewide  
363 kindergarten screening administered under s. 1002.69 and align  
364 the standards to the standards established by the board for the  
365 expectations of student performance on the statewide assessments  
366 administered pursuant to s. 1008.22.

367 (3)

368 (c)1. If the kindergarten readiness rate of a private  
369 prekindergarten provider or public school falls below the  
370 minimum rate adopted by the State Board of Education as  
371 satisfactory under s. 1002.69(6), the early learning coalition  
372 or school district, as applicable, shall require the provider or  
373 school to submit an improvement plan for approval by the  
374 coalition or school district, as applicable, and to implement  
375 the plan.

376 2. If a private prekindergarten provider or public school  
377 fails to meet the minimum rate adopted by the State Board of

5-01049C-11

20111696

378 Education as satisfactory under s. 1002.69(6) ~~for 2 consecutive~~  
379 ~~years~~, the early learning coalition or school district, as  
380 applicable, shall place the provider or school on probation and  
381 must require the provider or school to take certain corrective  
382 actions, including the use of a curriculum approved by the  
383 department under paragraph (2)(c) and requiring newly admitted  
384 voluntary prekindergarten program students to complete the  
385 statewide voluntary prekindergarten enrollment screening, for  
386 which the provider must pay.

387 3. A private prekindergarten provider or public school that  
388 is placed on probation must continue the corrective actions  
389 required under subparagraph 2., including the use of a  
390 curriculum approved by the department, until the provider or  
391 school meets the minimum rate adopted by the State Board of  
392 Education as satisfactory under s. 1002.69(6).

393 4. If a private prekindergarten provider or public school  
394 remains on probation for 2 consecutive years and fails to meet  
395 the minimum rate adopted by the State Board of Education as  
396 satisfactory under s. 1002.69(6) and is not granted a good cause  
397 exemption by the department pursuant to s. 1002.69(7), the  
398 Agency for Workforce Innovation shall require the early learning  
399 coalition or the Department of Education shall require the  
400 school district to remove, as applicable, the provider or school  
401 from eligibility to deliver the Voluntary Prekindergarten  
402 Education Program and receive state funds for the program.

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

406 1002.69 Statewide kindergarten screening; kindergarten

5-01049C-11

20111696\_\_

407 readiness rates.—

408 (1) The department shall adopt a statewide kindergarten  
409 screening that assesses the readiness of each student for  
410 kindergarten based upon the performance standards adopted by the  
411 department under s. 1002.67(1) for the Voluntary Prekindergarten  
412 Education Program. The department shall also adopt a statewide  
413 voluntary prekindergarten enrollment screening that assesses the  
414 readiness of each student for kindergarten upon entry into a  
415 voluntary prekindergarten program, for which the voluntary  
416 prekindergarten provider must pay. The department shall require  
417 that each school district administer the statewide kindergarten  
418 screening to each kindergarten student in the school district  
419 within the first 30 school days of each school year and shall  
420 require each early learning coalition to administer the  
421 statewide voluntary prekindergarten enrollment screening in  
422 accordance with this section.

423 (2) The statewide voluntary prekindergarten enrollment  
424 screening and the kindergarten screening shall provide objective  
425 data concerning each student's readiness for kindergarten and  
426 progress in attaining the performance standards adopted by the  
427 department under s. 1002.67(1).

428 (3) The statewide voluntary prekindergarten enrollment  
429 screening and the kindergarten screening shall incorporate  
430 mechanisms for recognizing potential variations in kindergarten  
431 readiness rates for students with disabilities.

432 (4) Each parent who enrolls his or her child in the  
433 Voluntary Prekindergarten Education Program must submit the  
434 child for the statewide kindergarten screening, regardless of  
435 whether the child is admitted to kindergarten in a public school

5-01049C-11

20111696\_\_

436 or nonpublic school. Each parent who enrolls his or her child in  
437 a voluntary prekindergarten education program must submit the  
438 child for statewide voluntary prekindergarten enrollment  
439 screening if required by the provider. Each school district  
440 shall designate sites to administer the statewide kindergarten  
441 screening for children admitted to kindergarten in a nonpublic  
442 school.

443 (6) ~~(a)~~ The State Board of Education shall periodically  
444 adopt a minimum kindergarten readiness rate that, if achieved by  
445 a private prekindergarten provider or public school, would  
446 demonstrate the provider's or school's satisfactory delivery of  
447 the Voluntary Prekindergarten Education Program.

448 ~~(b) The minimum rate must not exceed the rate at which more~~  
449 ~~than 15 percent of the kindergarten readiness rates of all~~  
450 ~~private prekindergarten providers and public schools delivering~~  
451 ~~the Voluntary Prekindergarten Education Program in the state~~  
452 ~~would fall below the minimum rate.~~

453 (7)

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

457 1. Learning gains of children served in the Voluntary  
458 Prekindergarten Education Program by the private prekindergarten  
459 provider or public school.

460 ~~2. Verification that the private prekindergarten provider~~  
461 ~~or public school serves at least twice the statewide percentage~~  
462 ~~of children with disabilities as defined in s. 1003.01(3)(a) or~~  
463 ~~children identified as limited English proficient as defined in~~  
464 ~~s. 1003.56.~~



5-01049C-11

20111696\_\_

465       ~~2.3~~ Verification that local and state health and safety  
466 requirements are met.

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

469       1002.73 Department of Education; powers and duties;  
470 accountability requirements.—

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

472       (a) Approval of prekindergarten director credentials under  
473 ss. 1002.55 and 1002.57.

474       (b) Approval of emergent literacy training courses under  
475 ss. 1002.55 and 1002.59.

476       (c) Administration of the statewide kindergarten screening  
477 and calculation of kindergarten readiness rates under s.  
478 1002.69.

479       (d) Adoption of the statewide voluntary prekindergarten  
480 enrollment screening, associated fee schedule, and the process  
481 for determining learning gains of students who complete the  
482 statewide voluntary prekindergarten enrollment screening and the  
483 statewide kindergarten screening.

484       ~~(e)-(d)~~ Approval of specialized instructional services  
485 providers under s. 1002.66.

486       ~~(f)-(e)~~ Granting of a private prekindergarten provider's or  
487 public school's request for a good cause exemption under s.  
488 1002.69(7).

489       Section 10. Paragraph (c) of subsection (4) of section  
490 1003.03, Florida Statutes, is amended to read:

491       1003.03 Maximum class size.—

492       (4) ACCOUNTABILITY.—

493       (c) In lieu of the reduction calculation in paragraph (a),

5-01049C-11

20111696\_\_

494 if a district school board produces ~~the Commissioner of~~  
495 ~~Education has~~ evidence that it ~~a district~~ was unable to meet the  
496 class size requirements despite appropriate efforts to do so or  
497 because of an ~~extreme~~ emergency, the reduction of an alternate  
498 amount of funds from the district's class size categorical  
499 allocation may be recommended by the State Board of Education  
500 ~~commissioner may recommend~~ by February 15, for approval by  
501 ~~subject to approval of~~ the Legislative Budget Commission, ~~the~~  
502 ~~reduction of an alternate amount of funds from the district's~~  
503 ~~class size categorical allocation.~~

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

506 1003.4156 General requirements for middle grades  
507 promotion.—

508 (1) Beginning with students entering grade 6 in the 2006-  
509 2007 school year, promotion from a school composed of middle  
510 grades 6, 7, and 8 requires that:

511 (a) The student must successfully complete academic courses  
512 as follows:

513 1. Three middle school or higher courses in English. These  
514 courses shall emphasize literature, composition, and technical  
515 text.

516 2. Three middle school or higher courses in mathematics.  
517 Each middle school must offer at least one high school level  
518 mathematics course for which students may earn high school  
519 credit. Successful completion of a high school level Algebra I  
520 or geometry course is not contingent upon the student's  
521 performance on the end-of-course assessment required under s.  
522 1008.22 (3) (c) 2.a. (I). However, beginning with the 2011-2012

5-01049C-11

20111696

523 school year, to earn high school credit for an Algebra I course,  
524 a middle school student must pass the Algebra I end-of-course  
525 assessment, and beginning with the 2012-2013 school year, to  
526 earn high school credit for a geometry course, a middle school  
527 student must pass the geometry end-of-course assessment.

528 3. Three middle school or higher courses in social studies,  
529 one semester of which must include the study of state and  
530 federal government and civics education. Beginning with students  
531 entering grade 6 in the 2012-2013 school year, one of these  
532 courses must be at least a one-semester civics education course  
533 that a student successfully completes in accordance with s.  
534 1008.22(3)(c) and that includes the roles and responsibilities  
535 of federal, state, and local governments; the structures and  
536 functions of the legislative, executive, and judicial branches  
537 of government; and the meaning and significance of historic  
538 documents, such as the Articles of Confederation, the  
539 Declaration of Independence, and the Constitution of the United  
540 States.

541 4. Three middle school or higher courses in science.  
542 Successful completion of a high school level Biology I course is  
543 not contingent upon the student's performance on the end-of-  
544 course assessment required under s. 1008.22(3)(c)2.a.(II).  
545 However, beginning with the 2012-2013 school year, to earn high  
546 school credit for a Biology I course, a middle school student  
547 must pass the Biology I end-of-course assessment.

548 5. One course in career and education planning to be  
549 completed in 7th or 8th grade. The course may be taught by any  
550 member of the instructional staff; must include career  
551 exploration using Florida CHOICES or a comparable cost-effective

5-01049C-11

20111696\_\_

552 program; must include educational planning using the online  
553 student advising system known as Florida Academic Counseling and  
554 Tracking for Students at the Internet website FACTS.org; and  
555 shall result in the completion of a personalized academic and  
556 career plan. The required personalized academic and career plan  
557 must inform students of high school graduation requirements,  
558 high school assessment and college entrance test requirements,  
559 Florida Bright Futures Scholarship Program requirements, state  
560 university and Florida college admission requirements, and  
561 programs through which a high school student can earn college  
562 credit, including Advanced Placement, International  
563 Baccalaureate, Advanced International Certificate of Education,  
564 dual enrollment, career academy opportunities, and courses that  
565 lead to national industry certification.

566  
567 A student with a disability, as defined in s. 1007.02(2), for  
568 whom the individual education plan committee determines that the  
569 end-of-course assessment cannot accurately measure the student's  
570 abilities, taking into consideration all allowable  
571 accommodations, shall have the end-of-course assessment results  
572 waived for purposes of determining the student's course grade  
573 and completing the requirements for middle grades promotion.

574 Each school must hold a parent meeting either in the evening or  
575 on a weekend to inform parents about the course curriculum and  
576 activities. Each student shall complete an electronic personal  
577 education plan that must be signed by the student; the student's  
578 instructor, guidance counselor, or academic advisor; and the  
579 student's parent. The Department of Education shall develop  
580 course frameworks and professional development materials for the

5-01049C-11

20111696\_\_

581 career exploration and education planning course. The course may  
582 be implemented as a stand-alone course or integrated into  
583 another course or courses. The Commissioner of Education shall  
584 collect longitudinal high school course enrollment data by  
585 student ethnicity in order to analyze course-taking patterns.

586 (b) For each year in which a student scores at Level 1 on  
587 FCAT Reading, the student must be enrolled in and complete an  
588 intensive reading course the following year. Placement of Level  
589 2 readers in either an intensive reading course or a content  
590 area course in which reading strategies are delivered shall be  
591 determined by diagnosis of reading needs. The department shall  
592 provide guidance on appropriate strategies for diagnosing and  
593 meeting the varying instructional needs of students reading  
594 below grade level. Reading courses shall be designed and offered  
595 pursuant to the comprehensive reading plan required by s.  
596 1011.62(9). A middle grades student who scores at Level 1 or  
597 Level 2 on FCAT Reading, but who did not score below Level 3 the  
598 year before may be granted an exemption from the reading  
599 remediation requirements. A student may be granted a 1-year  
600 exemption from intensive reading; however, the student must have  
601 an approved academic improvement plan already in place and  
602 signed by the school and a parent or guardian for the year that  
603 the exemption is granted.

604 (c) For each year in which a student scores at Level 1 or  
605 Level 2 on FCAT Mathematics, the student must receive  
606 remediation the following year, which may be integrated into the  
607 student's required mathematics course.

608 Section 12. Section 1003.4203, Florida Statutes, is created  
609 to read:

5-01049C-11

20111696

610 1003.4203 Digital curriculum.-

611 (1) Each district school board, in consultation with the  
612 district school superintendent, shall develop and implement a  
613 digital curriculum for students in grades 5 through 12 to enable  
614 students to attain competencies in web communications and web  
615 design. For purposes of this section, a digital curriculum  
616 includes, but is not limited to, instruction in:

617 (a) Web-based skills, web-based core technologies, and web  
618 design.

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

621 (2) (a) The digital curriculum shall be required instruction  
622 for each student in grades 5 through 12 but may not be a  
623 requirement for high school graduation. Instruction may be  
624 integrated into middle school and high school subject area  
625 curricula or offered as a separate course subject to available  
626 funding.

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

631 (3) Each district school board shall establish:

632 (a) Digital curriculum standards and measures to assess  
633 student content knowledge and skills and learning gains.

634 (b) Innovative approaches to help students achieve  
635 competency and master design.

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

5-01049C-11

20111696\_\_

639 (5) (a) School improvement funds allocated to a school  
640 district and other funds available to the district shall be used  
641 to fund the digital curriculum.

642 (b) Capital improvement funds allocated to a school  
643 district may be used to purchase equipment or software and to  
644 hire technical consultants to meet the requirements of this  
645 section.

646 (c) A school district that demonstrates high achievement in  
647 student competency in web communications and web design based on  
648 assessment of student content knowledge and skills and learning  
649 gains is eligible for financial incentives as determined by the  
650 Legislature.

651 (6) The Department of Education shall establish an annual  
652 statewide competition between school districts to recognize  
653 innovative web designs and innovative use of web-based  
654 technologies to improve communication and commerce. The  
655 Commissioner of Education shall develop a procedure for  
656 statewide recognition of school district winners and individual  
657 students who have demonstrated high achievement in web-based  
658 knowledge and skills.

659 (7) A district school board may seek partnerships with  
660 private businesses and consultants to offer classes and  
661 instruction to teachers and students to assist the school  
662 district in meeting the requirements of this section.

663 (8) Each district school board shall establish a digital  
664 curriculum advisory committee that includes professionals from  
665 the community who are knowledgeable in web design and related  
666 technologies, school principals, teachers, students, and  
667 parents. The advisory committee shall evaluate ongoing school

5-01049C-11

20111696

668 district efforts to comply with this section and make  
669 recommendations to the district school superintendent and  
670 district school board.

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

673 1003.428 General requirements for high school graduation;  
674 revised.—

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

678 (a) Sixteen core curriculum credits:

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

681 2. Four credits in mathematics, one of which must be  
682 Algebra I, a series of courses equivalent to Algebra I, or a  
683 higher-level mathematics course. Beginning with students  
684 entering grade 9 in the 2010-2011 school year, in addition to  
685 the Algebra I credit requirement, one of the four credits in  
686 mathematics must be geometry or a series of courses equivalent  
687 to geometry as approved by the State Board of Education.  
688 Beginning with students entering grade 9 in the 2010-2011 school  
689 year, the end-of-course assessment requirements under s.  
690 1008.22(3)(c)2.a.(I) must be met in order for a student to earn  
691 the required credit in Algebra I. Beginning with students  
692 entering grade 9 in the 2011-2012 school year, the end-of-course  
693 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be  
694 met in order for a student to earn the required credit in  
695 geometry. Beginning with students entering grade 9 in the 2012-  
696 2013 school year, in addition to the Algebra I and geometry



5-01049C-11

20111696\_\_

697 credit requirements, one of the four credits in mathematics must  
698 be Algebra II or a series of courses equivalent to Algebra II as  
699 approved by the State Board of Education.

700 3. Three credits in science, two of which must have a  
701 laboratory component. Beginning with students entering grade 9  
702 in the 2011-2012 school year, one of the three credits in  
703 science must be Biology I or a series of courses equivalent to  
704 Biology I as approved by the State Board of Education. Beginning  
705 with students entering grade 9 in the 2011-2012 school year, the  
706 end-of-course assessment requirements under s.

707 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
708 the required credit in Biology I. Beginning with students  
709 entering grade 9 in the 2013-2014 school year, one of the three  
710 credits must be Biology I or a series of courses equivalent to  
711 Biology I as approved by the State Board of Education, one  
712 credit must be chemistry or physics or a series of courses  
713 equivalent to chemistry or physics as approved by the State  
714 Board of Education, and one credit must be an equally rigorous  
715 course, as determined by the State Board of Education.

716 4. Three credits in social studies as follows: one credit  
717 in United States history; one credit in world history; one-half  
718 credit in economics; and one-half credit in United States  
719 government.

720 5. One credit in fine or performing arts, speech and  
721 debate, or a practical arts course that incorporates artistic  
722 content and techniques of creativity, interpretation, and  
723 imagination. Eligible practical arts courses shall be identified  
724 through the Course Code Directory.

725 6. One credit in physical education to include integration

5-01049C-11

20111696

726 of health. Participation in an interscholastic sport at the  
727 junior varsity or varsity level for two full seasons shall  
728 satisfy the one-credit requirement in physical education if the  
729 student passes a competency test on personal fitness with a  
730 score of "C" or better. The competency test on personal fitness  
731 must be developed by the Department of Education. A district  
732 school board may not require that the one credit in physical  
733 education be taken during the 9th grade year. Completion of one  
734 semester with a grade of "C" or better in a marching band class,  
735 in a physical activity class that requires participation in  
736 marching band activities as an extracurricular activity, or in a  
737 dance class shall satisfy one-half credit in physical education  
738 or one-half credit in performing arts. This credit may not be  
739 used to satisfy the personal fitness requirement or the  
740 requirement for adaptive physical education under an individual  
741 education plan (IEP) or 504 plan. Completion of 2 years in a  
742 Reserve Officer Training Corps (R.O.T.C.) class, a significant  
743 component of which is drills, shall satisfy the one-credit  
744 requirement in physical education and the one-credit requirement  
745 in performing arts. This credit may not be used to satisfy the  
746 personal fitness requirement or the requirement for adaptive  
747 physical education under an individual education plan (IEP) or  
748 504 plan.

749 (b) Eight credits in electives.

750 1. For each year in which a student scores at Level 1 on  
751 FCAT Reading, the student must be enrolled in and complete an  
752 intensive reading course the following year. Placement of Level  
753 2 readers in either an intensive reading course or a content  
754 area course in which reading strategies are delivered shall be

5-01049C-11

20111696

755 determined by diagnosis of reading needs. The department shall  
756 provide guidance on appropriate strategies for diagnosing and  
757 meeting the varying instructional needs of students reading  
758 below grade level. Reading courses shall be designed and offered  
759 pursuant to the comprehensive reading plan required by s.  
760 1011.62(9).

761 2. For each year in which a student scores at Level 1 or  
762 Level 2 on FCAT Mathematics, the student must receive  
763 remediation the following year. These courses may be taught  
764 through applied, integrated, or combined courses and are subject  
765 to approval by the department for inclusion in the Course Code  
766 Directory.

767  
768 A high school student who scores at Level 1 or Level 2 on FCAT  
769 Reading but who did not score below Level 3 the year before may  
770 be granted an exemption from intensive reading. A student may be  
771 granted a 1-year exemption from intensive reading; however, the  
772 student must have an approved academic improvement plan already  
773 in place and signed by the school and a parent or guardian for  
774 the year the exemption is granted.

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

777 1003.492 Industry-certified career education programs.—

778 (2) The State Board of Education shall use the expertise of  
779 Workforce Florida, Inc., and Enterprise Florida, Inc., to  
780 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
781 for implementing an industry certification process. The rules  
782 must establish a process for weighing the value of industry  
783 certifications based on the rigor of the certification and its

5-01049C-11

20111696

784 employment value to state businesses and industry. Industry  
785 certification shall be defined by the Agency for Workforce  
786 Innovation, based upon the highest available national standards  
787 for specific industry certification, to ensure student skill  
788 proficiency and to address emerging labor market and industry  
789 trends. A regional workforce board or a career and professional  
790 academy may apply to Workforce Florida, Inc., to request  
791 additions to the approved list of industry certifications based  
792 on high-demand job requirements in the regional economy. The  
793 list of industry certifications approved by Workforce Florida,  
794 Inc., and the Department of Education shall be published and  
795 updated annually by a date certain, to be included in the  
796 adopted rule.

797 Section 15. Section 1003.493, Florida Statutes, is amended  
798 to read:

799 1003.493 Career and professional academies.—

800 (1) A "career and professional academy" is a research-based  
801 program that integrates a rigorous academic curriculum with an  
802 industry-specific curriculum aligned directly to priority  
803 workforce needs established by the regional workforce board.  
804 Career and professional academies shall be offered by public  
805 schools and school districts. The Florida Virtual School is  
806 encouraged to develop and offer rigorous career and professional  
807 courses as appropriate. Students completing high school career  
808 and professional academy programs must receive a standard high  
809 school diploma, the highest available industry certification,  
810 and opportunities to earn postsecondary credit if the academy  
811 partners with a postsecondary institution approved to operate in  
812 the state. Students completing a middle school career and

5-01049C-11

20111696

813 professional academy program must have the opportunity to earn  
814 an industry certification, earn high school credit, and  
815 participate in career planning, job shadowing, and leadership-  
816 development opportunities.

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

818 (a) Increase student academic achievement and graduation  
819 rates through integrated academic and career curricula.

820 (b) Prepare graduating high school students to make  
821 appropriate choices relative to employment and future  
822 educational experiences.

823 (c) Focus on career preparation through rigorous academics  
824 and industry certification.

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

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

829 (f) Promote acceleration mechanisms, such as dual  
830 enrollment, articulated credit, or occupational completion  
831 points, so that students may earn postsecondary credit while in  
832 high school.

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

835 (3) Existing career education courses may serve as a  
836 foundation for the creation of a career and professional  
837 academy. A career and professional academy may be offered as one  
838 of the following small learning communities:

839 (a) A school-within-a-school career academy, as part of an  
840 existing middle school or high school, that provides courses in  
841 one occupational cluster. Students in the middle school or high

5-01049C-11

20111696\_\_

842 school are not required to be students in the academy.

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

846 (4) Each middle school or high school career and  
847 professional academy must:

848 ~~(a)~~ provide a rigorous standards-based academic curriculum  
849 integrated with a career curriculum. The curriculum must take  
850 into consideration multiple styles of student learning; promote  
851 learning by doing through application and adaptation; maximize  
852 relevance of the subject matter; enhance each student's capacity  
853 to excel; and include an emphasis on work habits and work  
854 ethics.

855 (5) ~~(b)~~ Each middle school or high school career and  
856 professional academy must include one or more partnerships with  
857 postsecondary institutions, businesses, industry, employers,  
858 economic development organizations, or other appropriate  
859 partners from the local community. Such partnerships shall be  
860 delineated in articulation agreements to provide for career-  
861 based courses that earn postsecondary credit. Such agreements  
862 may include articulation between the academy and public or  
863 private 2-year and 4-year postsecondary institutions and  
864 technical centers. The Department of Education, in consultation  
865 with the Board of Governors, shall establish a mechanism to  
866 ensure articulation and transfer of credits to postsecondary  
867 institutions in this state. Such partnerships must provide  
868 opportunities for:

869 (a)1. Instruction from highly skilled professionals who  
870 possess industry-certification credentials for courses they are

5-01049C-11

20111696\_\_

871 teaching.

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

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

874 (d)~~4~~. The highest available level of industry  
875 certification.

876 (e)~~5~~. Maximum articulation of credits pursuant to s.  
877 1007.23 upon program completion.

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

880 (a) Provide shared, maximum use of private sector  
881 facilities and personnel.

882 (b)~~(d)~~ Provide personalized student advisement, including a  
883 parent-participation component, and coordination with middle  
884 schools to promote and support career exploration and education  
885 planning as required under s. 1003.4156. Coordination with  
886 middle schools must provide information to middle school  
887 students about secondary and postsecondary career education  
888 programs and academies.

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

892 (d)~~(f)~~ Provide instruction in careers designated as high  
893 growth, high demand, and high pay by the local workforce  
894 development board, the chamber of commerce, or the Agency for  
895 Workforce Innovation.

896 (e)~~(g)~~ Deliver academic content through instruction  
897 relevant to the career, including intensive reading and  
898 mathematics intervention required by s. 1003.428, with an  
899 emphasis on strengthening reading for information skills.

5-01049C-11

20111696

900        (f)~~(h)~~ Offer applied courses that combine academic content  
901 with technical skills.

902        (g)~~(i)~~ Provide instruction resulting in competency,  
903 certification, or credentials in workplace skills, including,  
904 but not limited to, communication skills, interpersonal skills,  
905 decisionmaking skills, the importance of attendance and  
906 timeliness in the work environment, and work ethics.

907        (h)~~(j)~~ Provide opportunities for students to obtain the  
908 Florida Ready to Work Certification pursuant to s. 1004.99, if  
909 available.

910        (i)~~(k)~~ Include an evaluation plan developed jointly with  
911 the Department of Education and the local workforce board. The  
912 evaluation plan must include an assessment tool based on  
913 national industry standards, such as the Career Academy National  
914 Standards of Practice, and outcome measures, including, but not  
915 limited to, achievement of national industry certifications  
916 identified in the Industry Certification Funding List, pursuant  
917 to rules adopted by the State Board of Education, graduation  
918 rates, enrollment in postsecondary education, business and  
919 industry satisfaction, employment and earnings, awards of  
920 postsecondary credit and scholarships, and student achievement  
921 levels and learning gains on statewide assessments administered  
922 under s. 1008.22(3)(c). The Department of Education shall use  
923 Workforce Florida, Inc., and Enterprise Florida, Inc., in  
924 identifying industry experts to participate in developing and  
925 implementing such assessments.

926        (j)~~(l)~~ Include a plan to sustain career and professional  
927 academies.

928        (k)~~(m)~~ Redirect appropriated career funding to career and



5-01049C-11

20111696

929 professional academies.

930 ~~(7)-(5)~~ All high school career courses offered in a career  
931 and professional academy must lead to industry certification or  
932 college credit linked directly to the career theme of the  
933 course. Fifty ~~At least 50~~ percent of students enrolled in a  
934 career course must achieve industry certifications or college  
935 credits during the second year the course is offered in order  
936 for the course to be offered a third year. At least 66 percent  
937 of students enrolled in such a course must achieve industry  
938 certifications or college credits during the third year the  
939 course is offered in order for it to be offered a fourth year  
940 and thereafter.

941 (8) Each middle school career and professional academy must  
942 be aligned with high school career and professional academies  
943 offered in the school district and include one or more  
944 partnerships with high schools, businesses, industry, employers,  
945 economic development organizations, or other appropriate  
946 partners from the local community. Such partnerships must  
947 provide opportunities for:

948 (a) Instruction from highly skilled professionals who  
949 possess industry-certification credentials for courses they are  
950 teaching.

951 (b) Internships and externships

952 (c) Maximum articulation of high school dual enrollment  
953 credits upon program completion.

954 (d) Personalized student advisement, including a parent-  
955 participation component, and coordination with high schools to  
956 promote accelerated course credit

957 (e) Instruction in careers designated as high growth, high

5-01049C-11

20111696

958 demand, and high pay by the local workforce development board,  
959 the chamber of commerce, or the Agency for Workforce Innovation.

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

964 (g) Applied courses that combine academic content with  
965 technical skills.

966 (h) Instruction resulting in competency, including, but not  
967 limited to, communication skills, interpersonal skills,  
968 decisionmaking skills, the importance of attendance and  
969 timeliness in the work environment, and work ethics.

970 (i) An evaluation plan developed jointly with the  
971 Department of Education and the local workforce board. The  
972 Department of Education shall use Workforce Florida, Inc., and  
973 Enterprise Florida, Inc., in identifying industry experts to  
974 participate in developing and implementing such assessments.

975 (9)~~(6)~~ The Okaloosa County School District CHOICE  
976 Institutes shall serve in an advisory role and shall offer  
977 technical assistance in the development of newly established  
978 career and professional academies for a 3-year period beginning  
979 July 1, 2007.

980 Section 16. Section 1003.575, Florida Statutes, is amended  
981 to read:

982 1003.575 Assistive technology devices; findings;  
983 interagency agreements.—Accessibility, utilization, and  
984 coordination of appropriate assistive technology devices and  
985 services are essential as a young person with disabilities moves  
986 from early intervention to preschool, from preschool to school,

5-01049C-11

20111696

987 from one school to another, and from school to employment or  
988 independent living. Within 60 to 90 days after receiving a  
989 request for an assistive technology assessment, any school that  
990 has an individualized education plan team shall arrange to  
991 complete the assessment. To ensure that an assistive technology  
992 device issued to a young person as part of his or her  
993 individualized family support plan, individual support plan, or  
994 an individual education plan remains with the individual through  
995 such transitions, the following agencies shall enter into  
996 interagency agreements, as appropriate, to ensure the  
997 transaction of assistive technology devices:

998 (1) The Florida Infants and Toddlers Early Intervention  
999 Program in the Division of Children's Medical Services of the  
1000 Department of Health.

1001 (2) The Division of Blind Services, the Bureau of  
1002 Exceptional Education and Student Services, and the Division of  
1003 Vocational Rehabilitation of the Department of Education.

1004 (3) The Voluntary Prekindergarten Education Program  
1005 administered by the Department of Education and the Agency for  
1006 Workforce Innovation.

1007  
1008 Interagency agreements entered into pursuant to this section  
1009 shall provide a framework for ensuring that young persons with  
1010 disabilities and their families, educators, and employers are  
1011 informed about the utilization and coordination of assistive  
1012 technology devices and services that may assist in meeting  
1013 transition needs, and shall establish a mechanism by which a  
1014 young person or his or her parent may request that an assistive  
1015 technology device remain with the young person as he or she

5-01049C-11

20111696

1016 moves through the continuum from home to school to postschool.

1017 Section 17. Subsection (2) of section 1003.621, Florida  
1018 Statutes, is amended to read:

1019 1003.621 Academically high-performing school districts.—It  
1020 is the intent of the Legislature to recognize and reward school  
1021 districts that demonstrate the ability to consistently maintain  
1022 or improve their high-performing status. The purpose of this  
1023 section is to provide high-performing school districts with  
1024 flexibility in meeting the specific requirements in statute and  
1025 rules of the State Board of Education.

1026 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
1027 high-performing school district shall comply with all of the  
1028 provisions in chapters 1000-1013, and rules of the State Board  
1029 of Education which implement these provisions, pertaining to the  
1030 following:

1031 (a) Those statutes pertaining to the provision of services  
1032 to students with disabilities.

1033 (b) Those statutes pertaining to civil rights, including s.  
1034 1000.05, relating to discrimination.

1035 (c) Those statutes pertaining to student health, safety,  
1036 and welfare.

1037 (d) Those statutes governing the election or compensation  
1038 of district school board members.

1039 (e) Those statutes pertaining to the student assessment  
1040 program and the school grading system, including chapter 1008.

1041 (f) Those statutes pertaining to financial matters,  
1042 including chapter 1010, except that s. 1010.20(3)(a)1., 2., and  
1043 3., relating to the required program expenditure levels, are  
1044 eligible for exemption.

5-01049C-11

20111696\_\_

1045 (g) Those statutes pertaining to planning and budgeting,  
1046 including chapter 1011, except s. 1011.62(9)(d), relating to the  
1047 requirement for a comprehensive reading plan. A district that is  
1048 exempt from submitting this plan shall be deemed approved to  
1049 receive the research-based reading instruction allocation.

1050 (h) Sections 1012.22(1)(c) and 1012.27(2), relating to  
1051 differentiated pay and performance-pay policies for school  
1052 administrators and instructional personnel. Professional service  
1053 contracts are subject to the provisions of ss. 1012.33 and  
1054 1012.34.

1055 (i) Those statutes pertaining to educational facilities,  
1056 including chapter 1013, except that s. 1013.20, relating to  
1057 covered walkways for portables, and s. 1013.21, relating to the  
1058 use of relocatable facilities that exceed 20 years of age, are  
1059 eligible for exemption.

1060 (j) Those statutes relating to instructional materials,  
1061 except that ~~s. 1006.37, relating to the requisition of state-~~  
1062 ~~adopted materials from the depository under contract with the~~  
1063 ~~publisher, and s. 1006.40(3)(a), relating to the use of 50~~  
1064 percent of the instructional materials allocation, shall be  
1065 eligible for exemption.

1066 (k) This section.

1067 Section 18. Subsection (1), paragraph (a) of subsection  
1068 (2), and paragraphs (b) and (e) of subsection (3) of section  
1069 1006.28, Florida Statutes, are amended to read:

1070 1006.28 Duties of district school board, district school  
1071 superintendent; and school principal regarding K-12  
1072 instructional materials.—

1073 (1) DISTRICT SCHOOL BOARD.—The district school board has

5-01049C-11

20111696\_\_

1074 the duty to provide adequate instructional materials for all  
1075 students in accordance with the requirements of this part. The  
1076 term "adequate instructional materials" means a sufficient  
1077 number of student or site licenses ~~textbooks~~ or sets of  
1078 materials that are available in bound, unbound, kit, or package  
1079 form and may consist of hard-backed or soft-backed textbooks,  
1080 electronic content, consumables, learning laboratories,  
1081 manipulatives, electronic media, and computer courseware or  
1082 software that serve as the basis for instruction for each  
1083 student in the core courses of mathematics, language arts,  
1084 social studies, science, reading, and literature, except for  
1085 instruction for which the school advisory council approves the  
1086 use of a program that does not include a textbook as a major  
1087 tool of instruction. The district school board has the following  
1088 specific duties:

1089 (a) *Courses of study; adoption.*—Adopt courses of study for  
1090 use in the schools of the district.

1091 (b) Instructional materials ~~Textbooks~~.—Provide for proper  
1092 requisitioning, distribution, accounting, storage, care, and use  
1093 of all instructional materials furnished by the state and  
1094 furnish such other instructional materials as may be needed. The  
1095 district school board shall assure that instructional materials  
1096 used in the district are consistent with the district goals and  
1097 objectives and the curriculum frameworks adopted by rule of the  
1098 State Board of Education, as well as with the state and district  
1099 performance standards provided for in s. 1001.03(1).

1100 (c) *Other instructional materials.*—Provide such other  
1101 teaching accessories and aids as are needed for the school  
1102 district's educational program.

5-01049C-11

20111696\_\_

1103 (d) *School library media services; establishment and*  
1104 *maintenance.*—Establish and maintain a program of school library  
1105 media services for all public schools in the district, including  
1106 school library media centers, or school library media centers  
1107 open to the public, and, in addition such traveling or  
1108 circulating libraries as may be needed for the proper operation  
1109 of the district school system.

1110 (2) DISTRICT SCHOOL SUPERINTENDENT.—

1111 (a) The district school superintendent has the duty to  
1112 recommend such plans for improving, providing, distributing,  
1113 accounting for, and caring for instructional materials ~~textbooks~~  
1114 and other instructional aids as will result in general  
1115 improvement of the district school system, as prescribed in this  
1116 part, in accordance with adopted district school board rules  
1117 prescribing the duties and responsibilities of the district  
1118 school superintendent regarding the requisition, purchase,  
1119 receipt, storage, distribution, use, conservation, records, and  
1120 reports of, and management practices and property accountability  
1121 concerning, instructional materials, and providing for an  
1122 evaluation of any instructional materials to be requisitioned  
1123 that have not been used previously in the district's schools.  
1124 The district school superintendent must keep adequate records  
1125 and accounts for all financial transactions for funds collected  
1126 pursuant to subsection (3), as a component of the educational  
1127 service delivery scope in a school district best financial  
1128 management practices review under s. 1008.35.

1129 (3) SCHOOL PRINCIPAL.—The school principal has the  
1130 following duties for the management and care of instructional  
1131 materials at the school:

5-01049C-11

20111696\_\_

1132 (b) Money collected for lost or damaged instructional  
1133 materials ~~books~~; enforcement.—The school principal shall collect  
1134 from each student or the student's parent the purchase price of  
1135 any instructional material the student has lost, destroyed, or  
1136 unnecessarily damaged and to report and transmit the money  
1137 collected to the district school superintendent. The failure to  
1138 collect such sum upon reasonable effort by the school principal  
1139 may result in the suspension of the student from participation  
1140 in extracurricular activities or satisfaction of the debt by the  
1141 student through community service activities at the school site  
1142 as determined by the school principal, pursuant to policies  
1143 adopted by district school board rule.

1144 (e) Accounting for instructional materials ~~textbooks~~.—  
1145 Principals shall see that all instructional materials ~~books~~ are  
1146 fully and properly accounted for as prescribed by adopted rules  
1147 of the district school board.

1148 Section 19. Section 1006.29, Florida Statutes, is amended  
1149 to read:

1150 1006.29 State instructional materials reviewers  
1151 ~~committees~~.—

1152 (1) ~~Each school year, not later than April 15, the~~  
1153 ~~commissioner shall appoint state instructional materials~~  
1154 ~~committees composed of persons actively engaged in teaching or~~  
1155 ~~in the supervision of teaching in the public elementary, middle,~~  
1156 ~~or high schools and representing the major fields and levels in~~  
1157 ~~which instructional materials are used in the public schools~~  
1158 ~~and, in addition, lay citizens not professionally connected with~~  
1159 ~~education. Committee members shall receive training pursuant to~~  
1160 ~~subsection (5) in competencies related to the evaluation and~~



5-01049C-11

20111696\_\_

1161 ~~selection of instructional materials.~~

1162 ~~(a) There shall be 10 or more members on each committee: At~~  
1163 ~~least 50 percent of the members shall be classroom teachers who~~  
1164 ~~are certified in an area directly related to the academic area~~  
1165 ~~or level being considered for adoption, 2 shall be laypersons, 1~~  
1166 ~~shall be a district school board member, and 2 shall be~~  
1167 ~~supervisors of teachers. The committee must have the capacity or~~  
1168 ~~expertise to address the broad racial, ethnic, socioeconomic,~~  
1169 ~~and cultural diversity of the state's student population.~~  
1170 ~~Personnel selected as teachers of the year at the school,~~  
1171 ~~district, regional, or state level are encouraged to serve on~~  
1172 ~~instructional materials committees.~~

1173 ~~(b) The membership of each committee must reflect the broad~~  
1174 ~~racial, ethnic, socioeconomic, and cultural diversity of the~~  
1175 ~~state, including a balanced representation from the state's~~  
1176 ~~geographic regions.~~

1177 ~~(a)~~(e) The commissioner shall determine annually the areas  
1178 in which instructional materials shall be submitted for  
1179 adoption, taking into consideration the desires of the district  
1180 school boards. The commissioner shall also determine the number  
1181 of titles to be adopted in each area.

1182 (b) By April 15 of each school year, the commissioner shall  
1183 appoint three state or national experts in the content areas to  
1184 review instructional materials and evaluate the content for  
1185 alignment with the applicable Sunshine State Standards or Next  
1186 Generation Sunshine State Standards. The expert reviewers shall  
1187 review the materials selected for adoption for the level of  
1188 instructional support and the accuracy and appropriateness of  
1189 progression of introduced content. Instructional materials shall

5-01049C-11

20111696

1190 be made available to reviewers in electronic form. The initial  
1191 review of the materials shall be made by only two of the three  
1192 expert reviewers. If the two reviewers reach opposing results,  
1193 the third reviewer shall break the tie. Expert reviewers shall  
1194 independently make recommendations to the commissioner and shall  
1195 use an electronic feedback review system for making  
1196 recommendations regarding materials that should be placed on  
1197 Florida's list of adopted materials. The expert reviewers may  
1198 receive a fee for their services.

1199 (c) The commissioner shall request each school district  
1200 superintendent to nominate one classroom teacher or district-  
1201 level content supervisor to review two or three of the  
1202 submissions recommended by the university expert reviewers.  
1203 School districts shall ensure that these nominees are provided  
1204 with the support and time necessary to accomplish a thorough  
1205 review at no cost to the state. District reviewers shall  
1206 independently rate the recommended submissions on the  
1207 instructional usability of the resources.

1208 ~~(2)(a) All appointments shall be as prescribed in this~~  
1209 ~~section. No member shall serve more than two consecutive terms~~  
1210 ~~on any committee. All appointments shall be for 18-month terms.~~  
1211 ~~All vacancies shall be filled in the manner of the original~~  
1212 ~~appointment for only the time remaining in the unexpired term.~~  
1213 ~~At no time may a district school board have more than one~~  
1214 ~~representative on a committee. The commissioner and a member of~~  
1215 ~~the department whom he or she shall designate shall be~~  
1216 ~~additional and ex officio members of each committee.~~

1217 ~~(b) The names and mailing addresses of the members of the~~  
1218 ~~state instructional materials committees shall be made public~~

5-01049C-11

20111696\_\_

1219 ~~when appointments are made.~~

1220 ~~(c) The district school board shall be reimbursed for the~~  
1221 ~~actual cost of substitute teachers for each workday that a~~  
1222 ~~member of its instructional staff is absent from his or her~~  
1223 ~~assigned duties for the purpose of rendering service to the~~  
1224 ~~state instructional materials committee. In addition, committee~~  
1225 ~~members shall be reimbursed for travel expenses and per diem in~~  
1226 ~~accordance with s. 112.061 for actual service in meetings of~~  
1227 ~~committees called by the commissioner. Payment of such travel~~  
1228 ~~expenses shall be made from the appropriation for the~~  
1229 ~~administration of the instructional materials program, on~~  
1230 ~~warrants to be drawn by the Chief Financial Officer upon~~  
1231 ~~requisition approved by the commissioner.~~

1232 ~~(d) Any member of a committee may be removed by the~~  
1233 ~~commissioner for cause.~~

1234 ~~(3) All references in the law to the state instructional~~  
1235 ~~materials committee shall apply to each committee created by~~  
1236 ~~this section.~~

1237 (2)~~(4)~~ For purposes of state adoption, "instructional  
1238 materials" means items having intellectual content that by  
1239 design serve as a major tool for assisting in the instruction of  
1240 a subject or course. These items may be available in bound,  
1241 unbound, kit, or package form and may consist of hardbacked or  
1242 softbacked textbooks, electronic content, consumables, learning  
1243 laboratories, manipulatives, electronic media, and computer  
1244 courseware or software. A publisher or manufacturer providing  
1245 instructional materials as a single bundle shall also make the  
1246 instructional materials available as separate and unbundled  
1247 items, each priced individually. Any instructional materials

5-01049C-11

20111696

1248 adopted in after 2012-2013 for students in grades 9 through 12  
1249 shall ~~also~~ be provided only in an electronic format. Beginning  
1250 with the 2013-2014 school year, any instructional materials  
1251 adopted for grades 5 through 12 shall be provided only in an  
1252 electronic format. Beginning with the 2014-2015 school year, any  
1253 instructional materials adopted for grades kindergarten through  
1254 12 shall be provided only in an electronic format. The term does  
1255 not include electronic or computer hardware even if such  
1256 hardware is bundled with software or other electronic media, nor  
1257 does it include equipment or supplies.

1258 (3)~~(5)~~ The department shall develop a training program for  
1259 persons selected as expert and school district reviewers, which  
1260 shall include instruction on reviewing standards-based content  
1261 and reviewing digital materials using an electronic feedback  
1262 review system to serve on state instructional materials  
1263 committees. The program shall be structured to assist reviewers  
1264 ~~committee members~~ in developing the skills necessary to make  
1265 valid, culturally sensitive, and objective decisions regarding  
1266 the content and rigor of instructional materials. All persons  
1267 serving as ~~on~~ instructional materials reviewers ~~committees~~ must  
1268 complete the training program prior to beginning the review and  
1269 selection process.

1270 Section 20. Section 1006.30, Florida Statutes, is amended  
1271 to read:

1272 1006.30 Affidavit of state instructional materials  
1273 reviewers ~~committee members.~~ Before transacting any business,  
1274 each reviewer ~~member of a state committee~~ shall make an  
1275 affidavit, to be filed with the department ~~commissioner~~, that:

1276 (1) The reviewer ~~member~~ will faithfully discharge the

5-01049C-11

20111696\_\_

1277 duties imposed upon him or her ~~as a member of the committee.~~

1278 (2) The reviewer ~~member~~ has no interest, ~~and while a member~~  
1279 ~~of the committee he or she will assume no interest,~~ in any  
1280 publishing or manufacturing organization that ~~which~~ produces or  
1281 sells instructional materials.

1282 (3) The reviewer ~~member~~ is in no way connected, ~~and while a~~  
1283 ~~member of the committee he or she will assume no connection,~~  
1284 with the distribution of the instructional materials.

1285 (4) The reviewer does not have any direct or indirect  
1286 pecuniary interest ~~member is not pecuniarily interested, and~~  
1287 ~~while a member of the committee he or she will assume no~~  
1288 ~~pecuniary interest, directly or indirectly,~~ in the business or  
1289 profits of any person engaged in manufacturing, publishing, or  
1290 selling instructional materials designed for use in the public  
1291 schools.

1292 (5) The reviewer ~~member~~ will not accept any emolument or  
1293 promise of future reward of any kind from any publisher or  
1294 manufacturer of instructional materials or his or her agent or  
1295 anyone interested in, or intending to bias his or her judgment  
1296 in any way in, the selection of any materials to be adopted.

1297 (6) The reviewer understands that it is unlawful ~~for any~~  
1298 ~~member of a state instructional materials committee~~ to discuss  
1299 matters relating to instructional materials submitted for  
1300 adoption with any agent of a publisher or manufacturer of  
1301 instructional materials, either directly or indirectly, except  
1302 during the period when the publisher or manufacturer is  
1303 providing a presentation for the reviewer during his or her  
1304 review of ~~committee has been called into session for the purpose~~  
1305 ~~of evaluating~~ instructional materials ~~submitted for adoption.~~

5-01049C-11

20111696

1306 ~~Such discussions shall be limited to official meetings of the~~  
1307 ~~committee and in accordance with procedures prescribed by the~~  
1308 ~~commissioner for that purpose.~~

1309 Section 21. Section 1006.31, Florida Statutes, is amended  
1310 to read:

1311 1006.31 Duties of each state instructional materials  
1312 reviewers ~~committee~~.—The duties of each state instructional  
1313 materials reviewer ~~committee~~ are:

1314 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~  
1315 ~~commissioner, at a place in the state designated by him or her,~~  
1316 ~~for the purpose of evaluating and recommending instructional~~  
1317 ~~materials for adoption by the state. All meetings of state~~  
1318 ~~instructional materials committees shall be announced publicly~~  
1319 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~  
1320 ~~the date of convening. All meetings of the committees shall be~~  
1321 ~~open to the public.~~

1322 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~  
1323 ~~adoption. An employee of the department shall serve as secretary~~  
1324 ~~to the committee and keep an accurate record of its proceedings.~~  
1325 ~~All records of committee motions and votes, and summaries of~~  
1326 ~~committee debate shall be incorporated into a publishable~~  
1327 ~~document and shall be available for public inspection and~~  
1328 ~~duplication.~~

1329 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by  
1330 the commissioner for evaluating instructional materials  
1331 submitted by publishers and manufacturers in each adoption.

1332 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
1333 carefully all instructional materials submitted, to ascertain  
1334 which instructional materials, if any, submitted for

5-01049C-11

20111696\_\_

1335 consideration ~~best~~ implement the selection criteria developed by  
1336 the department commissioner and those curricular objectives  
1337 included within applicable performance standards provided for in  
1338 s. 1001.03(1).

1339 (a) When recommending instructional materials for use in  
1340 the schools, each reviewer ~~committee~~ shall include only  
1341 instructional materials that accurately portray the ethnic,  
1342 socioeconomic, cultural, and racial diversity of our society,  
1343 including men and women in professional, career, and executive  
1344 roles, and the role and contributions of the entrepreneur and  
1345 labor in the total development of this state and the United  
1346 States.

1347 (b) When recommending instructional materials for use in  
1348 the schools, each reviewer ~~committee~~ shall include only  
1349 materials which accurately portray, whenever appropriate,  
1350 humankind's place in ecological systems, including the necessity  
1351 for the protection of our environment and conservation of our  
1352 natural resources and the effects on the human system of the use  
1353 of tobacco, alcohol, controlled substances, and other dangerous  
1354 substances.

1355 (c) When recommending instructional materials for use in  
1356 the schools, each reviewer ~~committee~~ shall require such  
1357 materials as he or she ~~it~~ deems necessary and proper to  
1358 encourage thrift, fire prevention, and humane treatment of  
1359 people and animals.

1360 (d) When recommending instructional materials for use in  
1361 the schools, each reviewer ~~committee~~ shall require, when  
1362 appropriate to the comprehension of students, that materials for  
1363 social science, history, or civics classes contain the

5-01049C-11

20111696

1364 Declaration of Independence and the Constitution of the United  
1365 States. A reviewer may not recommend any ~~Ne~~ instructional  
1366 materials ~~shall be recommended by any committee~~ for use in the  
1367 schools which contain any matter reflecting unfairly upon  
1368 persons because of their race, color, creed, national origin,  
1369 ancestry, gender, or occupation.

1370 (e) Any ~~All~~ instructional materials recommended by a ~~each~~  
1371 reviewer ~~committee~~ for use in the schools shall be, to the  
1372 satisfaction of each reviewer ~~committee~~, accurate, objective,  
1373 and current and suited to the needs and comprehension of  
1374 students at their respective grade levels. Instructional  
1375 materials reviewers ~~committees~~ shall consider for adoption  
1376 materials developed for academically talented students such as  
1377 those enrolled in advanced placement courses.

1378 ~~(3)-(5)~~ REPORT OF EXPERT REVIEWERS COMMITTEE.—Each expert  
1379 reviewer ~~committee~~, after a thorough study of all data submitted  
1380 on each instructional material, ~~and after each member has~~  
1381 ~~carefully evaluated each instructional material,~~ shall submit an  
1382 electronic ~~present a written~~ report to the department  
1383 ~~commissioner.~~ The ~~Such~~ report shall be made public, and must  
1384 ~~shall~~ include responses to each section of the report format  
1385 prescribed by the department.+

1386 ~~(a) A description of the procedures used in determining the~~  
1387 ~~instructional materials to be recommended to the commissioner.~~

1388 ~~(b) Recommendations of instructional materials for each~~  
1389 ~~grade and subject field in the curriculum of public elementary,~~  
1390 ~~middle, and high schools in which adoptions are to be made. If~~  
1391 ~~deemed advisable, the committee may include such other~~  
1392 ~~information, expression of opinion, or recommendation as would~~



5-01049C-11

20111696\_\_

1393 ~~be helpful to the commissioner. If there is a difference of~~  
1394 ~~opinion among the members of the committee as to the merits of~~  
1395 ~~any instructional materials, any member may file an expression~~  
1396 ~~of his or her individual opinion.~~

1397  
1398 ~~The findings of the committees, including the evaluation of~~  
1399 ~~instructional materials, shall be in sessions open to the~~  
1400 ~~public. All decisions leading to determinations of the~~  
1401 ~~committees shall be by roll call vote, and at no time will a~~  
1402 ~~secret ballot be permitted.~~

1403 Section 22. Section 1006.32, Florida Statutes, is amended  
1404 to read:

1405 1006.32 Prohibited acts.—

1406 (1) A ~~Ne~~ publisher or manufacturer of instructional  
1407 material, or any representative thereof, may not shall offer to  
1408 give any emolument, money, or other valuable thing, or any  
1409 inducement, to any district school board official or state  
1410 ~~member of a state-level~~ instructional materials reviewer  
1411 ~~committee~~ to directly or indirectly introduce, recommend, vote  
1412 for, or otherwise influence the adoption or purchase of any  
1413 instructional materials.

1414 (2) A ~~Ne~~ district school board official or ~~member of a~~  
1415 state instructional materials reviewer may not committee shall  
1416 solicit or accept any emolument, money, or other valuable thing,  
1417 or any inducement, to directly or indirectly introduce,  
1418 recommend, vote for, or otherwise influence the adoption or  
1419 purchase of any instructional material.

1420 (3) A ~~Ne~~ district school board or publisher may not  
1421 participate in a pilot program of materials being considered for

5-01049C-11

20111696\_\_

1422 adoption during the 18-month period before the official adoption  
1423 of the materials by the commissioner. Any pilot program during  
1424 the first 2 years of the adoption period must have the prior  
1425 approval of the commissioner.

1426 (4) Any publisher or manufacturer of instructional  
1427 materials or representative thereof or any district school board  
1428 official or state instructional materials reviewer ~~committee~~  
1429 ~~member~~, who violates any provision of this section commits a  
1430 misdemeanor of the second degree, punishable as provided in s.  
1431 775.082 or s. 775.083. Any representative of a publisher or  
1432 manufacturer who violates any provision of this section, in  
1433 addition to any other penalty, shall be banned from practicing  
1434 business in the state for a period of 1 calendar year. ~~Any~~  
1435 ~~district school board official or state instructional materials~~  
1436 ~~committee member who violates any provision of this section, in~~  
1437 ~~addition to any other penalty, shall be removed from his or her~~  
1438 ~~official position.~~

1439 (5) This section does not prohibit ~~Nothing in this section~~  
1440 ~~shall be construed to prevent~~ any publisher, manufacturer, or  
1441 agent from supplying, for purposes of examination, necessary  
1442 sample copies of instructional materials to any district school  
1443 board official or state instructional materials reviewer  
1444 ~~committee member.~~

1445 (6) This section does not prohibit ~~Nothing in this section~~  
1446 ~~shall be construed to prevent~~ a district school board official  
1447 or state instructional materials reviewer ~~committee member~~ from  
1448 receiving sample copies of instructional materials.

1449 (7) This section does not ~~Nothing contained in this section~~  
1450 ~~shall be construed to~~ prohibit or restrict a district school

5-01049C-11

20111696

1451 board official from receiving royalties or other compensation,  
1452 other than compensation paid to him or her as commission for  
1453 negotiating sales to district school boards, from the publisher  
1454 or manufacturer of instructional materials written, designed, or  
1455 prepared by such district school board official, and adopted by  
1456 the commissioner or purchased by any district school board. No  
1457 district school board official shall be allowed to receive  
1458 royalties on any materials not on the state-adopted list  
1459 purchased for use by his or her district school board.

1460 (8) A ~~No~~ district school superintendent, district school  
1461 board member, teacher, or other person officially connected with  
1462 the government or direction of public schools may not ~~shall~~  
1463 receive during the months actually engaged in performing duties  
1464 under his or her contract any private fee, gratuity, donation,  
1465 or compensation, in any manner whatsoever, for promoting the  
1466 sale or exchange of any school book, map, or chart in any public  
1467 school, or be an agent for the sale or the publisher of any  
1468 school textbook or reference work, or be directly or indirectly  
1469 pecuniarily interested in the introduction of any such textbook,  
1470 and any such agency or interest shall disqualify any person so  
1471 acting or interested from holding any district school board  
1472 employment whatsoever, and the person commits a misdemeanor of  
1473 the second degree, punishable as provided in s. 775.082 or s.  
1474 775.083; however, ~~provided that~~ this subsection does ~~shall~~ not  
1475 prevent ~~be construed as preventing~~ the adoption of any book  
1476 written in whole or in part by a Florida author.

1477 Section 23. Paragraphs (b) and (e) of subsection (1) and  
1478 subsections (2) and (4) of section 1006.33, Florida Statutes,  
1479 are amended to read:

5-01049C-11

20111696\_\_

1480 1006.33 Bids or proposals; advertisement and its contents.-

1481 (1)

1482 (b) The advertisement shall state that, beginning in 2010-  
1483 2011, each bidder shall furnish electronic specimen copies of  
1484 all instructional materials submitted, at a time designated by  
1485 the department, which specimen copies shall be identical with  
1486 the copies approved and accepted by ~~the members of the state~~  
1487 instructional materials reviewers committee, as prescribed in  
1488 this section, and with the copies furnished to the department  
1489 and district school superintendents, as provided in this part.  
1490 Any district school superintendent who requires samples in  
1491 addition to the electronic format must request those samples  
1492 through the department.

1493 (e) The advertisement shall give information as to ~~how~~  
1494 specifications that which have been adopted by the department in  
1495 regard to digital specifications, including the capabilities for  
1496 searching by state standards, site and student-level licensing,  
1497 and format requirements ~~paper, binding, cover boards, and~~  
1498 ~~mechanical makeup can be secured~~. In adopting specifications,  
1499 the department shall make an exception for instructional  
1500 materials that are college-level texts and that do not meet  
1501 department ~~physical~~ specifications for secondary materials, if  
1502 the publisher guarantees replacement during the term of the  
1503 contract.

1504 (2) The bids submitted shall be for furnishing the  
1505 designated materials in accordance with specifications of the  
1506 department. The bid shall state the lowest wholesale price at  
1507 which the materials will be furnished, at the time the adoption  
1508 period provided in the contract begins, ~~delivered f.o.b. to the~~

5-01049C-11

20111696\_\_

1509 ~~Florida depository of the publisher, manufacturer, or bidder.~~

1510 (4) Specimen copies of all instructional materials that  
1511 have been made the bases of contracts under this part shall,  
1512 upon request for the purpose of public inspection, be made  
1513 available by the publisher to the department and the district  
1514 school superintendent of each district school board that adopts  
1515 the instructional materials from the state list upon request for  
1516 the purpose of public inspection. ~~All contracts and bonds  
1517 executed under this part shall be signed in triplicate. One copy  
1518 of each contract and an original of each bid, whether accepted  
1519 or rejected, shall be preserved with the department for at least  
1520 3 years after termination of the contract.~~

1521 Section 24. Subsections (1), (2), (3), and (7) of section  
1522 1006.34, Florida Statutes, are amended to read:

1523 1006.34 Powers and duties of the commissioner and the  
1524 department in selecting and adopting instructional materials.—

1525 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The  
1526 State Board of Education shall adopt rules prescribing  
1527 ~~commissioner shall prescribe~~ the procedures by which the  
1528 department shall evaluate instructional materials submitted by  
1529 publishers and manufacturers in each adoption. The rules shall  
1530 be exempt from the legislative ratification requirement in s.  
1531 120.541(3). Included in these procedures shall be provisions  
1532 affording ~~which afford~~ each publisher or manufacturer or his or  
1533 her representative an opportunity to provide a virtual  
1534 presentation to expert reviewers on ~~present to members of the~~  
1535 ~~state instructional materials committees~~ the merits of each  
1536 instructional material submitted in each adoption.

1537 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

5-01049C-11

20111696\_\_

1538 (a) The department shall notify all publishers and  
1539 manufacturers of instructional materials who have submitted bids  
1540 that within 3 weeks after the deadline for receiving bids, at a  
1541 designated time and place, it will open the bids submitted and  
1542 deposited with it. At the time and place designated, the bids  
1543 shall be opened, read, and tabulated in the presence of the  
1544 bidders or their representatives. No one may revise his or her  
1545 bid after the bids have been filed. When all bids have been  
1546 carefully considered, the commissioner shall, from the list of  
1547 suitable, usable, and desirable instructional materials reported  
1548 by the state instructional materials reviewers ~~committee~~, select  
1549 and adopt instructional materials for each grade and subject  
1550 field in the curriculum of public elementary, middle, and high  
1551 schools in which adoptions are made and in the subject areas  
1552 designated in the advertisement. The adoption shall continue for  
1553 the period specified in the advertisement, beginning on the  
1554 ensuing April 1. The adoption shall not prevent the extension of  
1555 a contract as provided in subsection (3). The commissioner shall  
1556 always reserve the right to reject any and all bids. The  
1557 commissioner may ask for new sealed bids from publishers or  
1558 manufacturers whose instructional materials were recommended by  
1559 the state instructional materials reviewers ~~committee~~ as  
1560 suitable, usable, and desirable; specify the dates for filing  
1561 such bids and the date on which they shall be opened; and  
1562 proceed in all matters regarding the opening of bids and the  
1563 awarding of contracts as required by this part. In all cases,  
1564 bids shall be accompanied by a cash deposit or certified check  
1565 of from \$500 to \$2,500, as the department ~~commissioner~~ may  
1566 direct. The department, in adopting instructional materials,

5-01049C-11

20111696\_\_

1567 shall give due consideration both to the prices bid for  
1568 furnishing instructional materials and to the report and  
1569 recommendations of the state instructional materials reviewers  
1570 ~~committee~~. When the commissioner has finished with the report of  
1571 the state instructional materials reviewers committee, the  
1572 report shall be filed and preserved with the department and  
1573 shall be available at all times for public inspection.

1574 (b) In the selection of instructional materials, library  
1575 media books, and other reading material used in the public  
1576 school system, the standards used to determine the propriety of  
1577 the material shall include:

1578 1. The age of the students who normally could be expected  
1579 to have access to the material.

1580 2. The educational purpose to be served by the material. In  
1581 considering instructional materials for classroom use, priority  
1582 shall be given to the selection of materials which encompass the  
1583 state and district school board performance standards provided  
1584 for in s. 1001.03(1) and which include the instructional  
1585 objectives contained within the curriculum frameworks approved  
1586 by rule of the State Board of Education.

1587 3. The degree to which the material would be supplemented  
1588 and explained by mature classroom instruction as part of a  
1589 normal classroom instructional program.

1590 4. The consideration of the broad racial, ethnic,  
1591 socioeconomic, and cultural diversity of the students of this  
1592 state.

1593  
1594 Any ~~no~~ book or other material containing hard-core pornography  
1595 or otherwise prohibited by s. 847.012 may not ~~shall~~ be used or

5-01049C-11

20111696\_\_

1596 made available within any public school district.

1597 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As  
1598 soon as practicable after the commissioner has adopted any  
1599 instructional materials and all bidders that have secured the  
1600 adoption of any instructional materials have been notified  
1601 thereof by registered letter, the department ~~Department of Legal~~  
1602 ~~Affairs~~ shall prepare a contract in proper form with every  
1603 bidder awarded the adoption of any instructional materials. Each  
1604 contract shall be executed by the commissioner ~~Governor and~~  
1605 ~~Secretary of State under the seal of the state~~, one copy to be  
1606 kept by the contractor, ~~one copy to be filed with the Department~~  
1607 ~~of State~~, and one copy to be filed with the department. After  
1608 giving due consideration to comments by the district school  
1609 boards, the commissioner, with the agreement of the publisher,  
1610 may extend or shorten a contract period for a period not to  
1611 exceed 2 years; and the terms of any such contract shall remain  
1612 the same as in the original contract. Any publisher or  
1613 manufacturer to whom any contract is let under this part must  
1614 give bond in such amount as the department ~~commissioner~~  
1615 requires, payable to the state, conditioned for the faithful,  
1616 honest, and exact performance of the contract. The bond must  
1617 provide for the payment of reasonable attorney's fees in case of  
1618 recovery in any suit thereon. The surety on the bond must be a  
1619 guaranty or surety company lawfully authorized to do business in  
1620 the state; however, the bond shall not be exhausted by a single  
1621 recovery but may be sued upon from time to time until the full  
1622 amount thereof is recovered, and the department may at any time,  
1623 after giving 30 days' notice, require additional security or  
1624 additional bond. The form of any bond or bonds or contract or



5-01049C-11

20111696

1625 contracts under this part shall be prepared and approved by the  
 1626 department ~~Department of Legal Affairs~~. At the discretion of the  
 1627 commissioner, a publisher or manufacturer to whom any contract  
 1628 is let under this part may be allowed a cash deposit in lieu of  
 1629 a bond, conditioned for the faithful, honest, and exact  
 1630 performance of the contract. The cash deposit, payable to the  
 1631 department, shall be placed in the Textbook Bid Trust Fund. The  
 1632 department may recover damages on the cash deposit given by the  
 1633 contractor for failure to furnish instructional materials, the  
 1634 sum recovered to inure to the General Revenue Fund.

1635 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or  
 1636 manufacturer of instructional materials fails or refuses to  
 1637 furnish ~~a book, or books, or other~~ instructional materials as  
 1638 provided in the contract, the publisher's or manufacturer's ~~his~~  
 1639 ~~or her~~ bond is forfeited and the commissioner must ~~department~~  
 1640 ~~shall~~ make another contract containing ~~on such~~ terms as  
 1641 determined by it may find desirable, after giving due  
 1642 ~~consideration to the recommendations of~~ the commissioner.

1643 Section 25. Subsection (2) of section 1006.35, Florida  
 1644 Statutes, is amended to read:

1645 1006.35 Accuracy of instructional materials.—

1646 (2) When errors in state-adopted materials are confirmed,  
 1647 the publisher of the materials shall provide to each district  
 1648 school board that has purchased the materials the corrections in  
 1649 a format approved by the department ~~commissioner~~.

1650 Section 26. Section 1006.36, Florida Statutes, is amended  
 1651 to read:

1652 1006.36 Term of adoption for instructional materials.—

1653 (1) The term of adoption of any instructional materials

5-01049C-11

20111696

1654 must be a 5-year ~~6-year~~ period beginning on April 1 following  
1655 the adoption, except that the commissioner may approve terms of  
1656 adoption of less than 5 ~~6~~ years for materials in content areas  
1657 which require more frequent revision. Any contract for  
1658 instructional materials may be extended as prescribed in s.  
1659 1006.34(3).

1660 (2) The department shall publish annually an official  
1661 schedule of subject areas to be called for adoption for each of  
1662 the succeeding 2 years, and a tentative schedule for years 3, 4,  
1663 and 5, ~~and 6~~. If extenuating circumstances warrant, the  
1664 commissioner may ~~order the department to~~ add one or more subject  
1665 areas to the official schedule, in which event the commissioner  
1666 shall develop criteria for such additional subject area or areas  
1667 and make them available to publishers as soon as practicable  
1668 before the date on which bids are due. The schedule shall be  
1669 developed so as to promote balance among the subject areas so  
1670 that the required expenditure for new instructional materials is  
1671 approximately the same each year in order to maintain curricular  
1672 consistency.

1673 Section 27. Section 1006.37, Florida Statutes, is repealed.

1674 Section 28. Subsections (2), (3), (5), and (6) and  
1675 subsections (11) through (17) of section 1006.38, Florida  
1676 Statutes, are amended to read:

1677 1006.38 Duties, responsibilities, and requirements of  
1678 instructional materials publishers and manufacturers.—Publishers  
1679 and manufacturers of instructional materials, or their  
1680 representatives, shall:

1681 (2) Electronically deliver fully developed specimen copies  
1682 of all instructional materials upon which bids are based to the

5-01049C-11

20111696

1683 department pursuant to procedures adopted by the State Board of  
1684 Education ~~each member of a state instructional materials~~  
1685 ~~committee. At the conclusion of the review process,~~  
1686 ~~manufacturers submitting samples of instructional materials are~~  
1687 ~~entitled to the return thereof, at the expense of the~~  
1688 ~~manufacturers; or, in the alternative, the manufacturers are~~  
1689 ~~entitled to reimbursement by the individual committee members~~  
1690 ~~for the retail value of the samples.~~

1691 (3) Submit, at a time designated in s. 1006.33, the  
1692 following information:

1693 (a) Detailed specifications of the physical characteristics  
1694 of the instructional materials, including any software or  
1695 technological tools required for use of the instructional tool  
1696 by the district, school, teachers, or students. The publisher or  
1697 manufacturer shall comply with these specifications if the  
1698 instructional materials are adopted and purchased in completed  
1699 form.

1700 (b) Evidence ~~Written proof~~ that the publisher has provided  
1701 materials that the user can vertically search, electronically  
1702 gather, and organize by specific ~~written correlations to~~  
1703 ~~appropriate curricular objectives included within applicable~~  
1704 performance standards provided for in s. 1001.03(1).

1705 (5) Furnish the instructional materials offered by them at  
1706 a price in the state which, including all costs of electronic  
1707 transmission ~~transportation to their depositories,~~ may shall not  
1708 exceed the lowest price at which they offer such instructional  
1709 materials for adoption or sale to any state or school district  
1710 in the United States.

1711 (6) Reduce automatically the price of the instructional

5-01049C-11

20111696

1712 materials to any district school board to the extent that  
1713 reductions are made elsewhere in the United States. Publishers  
1714 may offer sections of state-adopted instructional materials in  
1715 digital or electronic versions at reduced rates to districts,  
1716 schools, and teachers in this state.

1717 ~~(11) Maintain or contract with a depository in the state.~~

1718 ~~(12) For the core subject areas specified in s. 1006.40(2),~~  
1719 ~~maintain in the depository for the first 2 years of the contract~~  
1720 ~~an inventory of instructional materials sufficient to receive~~  
1721 ~~and fill orders.~~

1722 (11)~~(13)~~ For the core subject areas specified in s.  
1723 1006.40(2), ensure the availability of an inventory sufficient  
1724 to receive and fill orders for instructional materials for  
1725 growth, including the opening of a new school, and replacement  
1726 during the 3rd and subsequent years of the original contract  
1727 period.

1728 ~~(14) For all other subject areas, maintain in the~~  
1729 ~~depository an inventory of instructional materials sufficient to~~  
1730 ~~receive and fill orders.~~

1731 (12)~~(15)~~ Accurately and fully disclose only the names of  
1732 those persons who actually authored the instructional materials.  
1733 In addition to the penalties provided in subsection (14) ~~(17)~~,  
1734 the commissioner may remove from the list of state-adopted  
1735 instructional materials those instructional materials whose  
1736 publisher or manufacturer misleads the purchaser by falsely  
1737 representing genuine authorship.

1738 (13)~~(16)~~ Grant, without prior written request, for any  
1739 copyright held by the publisher or its agencies automatic  
1740 permission to the department or its agencies for the

5-01049C-11

20111696\_\_

1741 reproduction of instructional materials ~~textbooks~~ and  
 1742 supplementary materials in braille or large print or in the form  
 1743 of sound recordings, for use by visually impaired students or  
 1744 other students with disabilities that would benefit from use of  
 1745 the materials.

1746 ~~(14)(17)~~ Upon the willful failure of the publisher or  
 1747 manufacturer to comply with the requirements of this section, be  
 1748 liable to the department in the amount of three ~~3~~ times the  
 1749 total sum which the publisher or manufacturer was paid in excess  
 1750 of the price required under subsections (5) and (6) and in the  
 1751 amount of three ~~3~~ times the total value of the instructional  
 1752 materials and services which the district school board is  
 1753 entitled to receive free of charge under subsection (7).

1754 Section 29. Subsection (5) of section 1006.39, Florida  
 1755 Statutes, is amended to read:

1756 1006.39 Production and dissemination of educational  
 1757 materials and products by department.—

1758 (5) The department shall not enter into the business of  
 1759 producing or publishing instructional materials ~~textbooks~~, or  
 1760 the contents therein, for general use in classrooms.

1761 Section 30. Subsection (2), paragraph (a) of subsection  
 1762 (3), and subsection (4) of section 1006.40, Florida Statutes,  
 1763 are amended to read:

1764 1006.40 Use of instructional materials allocation;  
 1765 instructional materials, library books, and reference books;  
 1766 repair of books.—

1767 (2) ~~(a)~~ Each district school board must purchase current  
 1768 instructional materials to provide each student with ~~a textbook~~  
 1769 ~~or other~~ instructional materials as a major tool of instruction

5-01049C-11

20111696\_\_

1770 in core courses of the appropriate subject areas of mathematics,  
1771 language arts, science, social studies, reading, and literature  
1772 for kindergarten through grade 12. ~~Such purchase must be made~~  
1773 ~~within the first 2 years after the effective date of the~~  
1774 ~~adoption cycle; however, this requirement is waived for the~~  
1775 ~~adoption cycle occurring in the 2008-2009 academic year for~~  
1776 ~~schools within the district which are identified in the top four~~  
1777 ~~categories of schools pursuant to s. 1008.33, as amended by~~  
1778 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~  
1779 ~~may provide a waiver of this requirement for the adoption cycle~~  
1780 ~~occurring in the 2008-2009 academic year if the district~~  
1781 ~~demonstrates that it has intervention and support strategies to~~  
1782 ~~address the particular needs of schools in the lowest two~~  
1783 ~~categories. Unless specifically provided for in the General~~  
1784 ~~Appropriations Act, the cost of instructional materials~~  
1785 ~~purchases required by this paragraph shall not exceed the amount~~  
1786 ~~of the district's allocation for instructional materials,~~  
1787 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1788 (b) ~~The requirement in paragraph (a) does not apply to~~  
1789 ~~contracts in existence before April 1, 2000, or to a purchase~~  
1790 ~~related to growth of student membership in the district or for~~  
1791 ~~instructional materials maintenance needs.~~

1792 (3) (a) By 2012-2013, each district school board shall use  
1793 at least 50 percent of the annual allocation for the purchase of  
1794 digital, electronic, or web-based instructional materials  
1795 ~~included on the state-adopted list, except as otherwise~~  
1796 ~~authorized in paragraphs (b) and (c). No less than 50 percent of~~  
1797 ~~the annual allocation shall be used to purchase items which will~~  
1798 ~~be used to provide instruction to students at the level or~~

5-01049C-11

20111696

1799 ~~levels for which the materials are designed.~~

1800       (4) Funds that are not used to purchase digital or web-  
1801 based instructional materials may be ~~The funds described in~~  
1802 ~~subsection (3) which district school boards may use to purchase~~  
1803 ~~materials not on the state-adopted list shall be used for the~~  
1804 purchase of instructional materials or other items having  
1805 intellectual content which assist in the instruction of a  
1806 subject or course. These items may be available in bound,  
1807 unbound, kit, or package form and may consist of hardbacked or  
1808 softbacked textbooks, electronic content, replacements for items  
1809 which were part of previously purchased instructional materials,  
1810 consumables, learning laboratories, manipulatives, electronic  
1811 media, computer courseware or software, and other commonly  
1812 accepted instructional tools as prescribed by district school  
1813 board rule. If the district school board finds and declares in a  
1814 resolution that all instructional materials purchases necessary  
1815 to provide updated materials aligned to Next Generation Sunshine  
1816 State Standards and benchmarks and that meet statutory  
1817 requirements of content and learning have been completed for the  
1818 fiscal year, but no sooner than March 1 of the fiscal year,  
1819 available categorical funds for instructional materials may be  
1820 used to purchase technology hardware that supports student  
1821 access to digital instructional content. ~~The funds available to~~  
1822 ~~district school boards for the purchase of materials not on the~~  
1823 ~~state-adopted list may not be used to purchase electronic or~~  
1824 ~~computer hardware even if such hardware is bundled with software~~  
1825 ~~or other electronic media unless the district school board has~~  
1826 ~~complied with the requirements in s. 1011.62(6)(b)5., nor may~~  
1827 ~~such funds be used to purchase equipment or supplies. However,~~

5-01049C-11

20111696\_\_

1828 ~~when authorized to do so in the General Appropriations Act, a~~  
1829 ~~school or district school board may use a portion of the funds~~  
1830 ~~available to it for the purchase of materials not on the state-~~  
1831 ~~adopted list to purchase science laboratory materials and~~  
1832 ~~supplies.~~

1833 Section 31. Section 1006.43, Florida Statutes, is amended  
1834 to read:

1835 1006.43 Expenses; budget request.—

1836 (1) The commissioner shall include in the department's  
1837 annual legislative budget a request for funds in an amount  
1838 sufficient to provide the necessary expense for:

1839 (a) The instructional materials reviewers ~~committees~~.

1840 (b) Instructional materials for use by partially sighted  
1841 students.

1842 (c) Other specific and necessary state expenses with regard  
1843 to the instructional materials program.

1844 (2) The department may arrange for distribution adopted  
1845 instructional materials that ~~textbooks which~~ are prepared in  
1846 various media for the use of partially sighted children enrolled  
1847 in the Florida schools.

1848 Section 32. Effective upon this act becoming a law,  
1849 subsection (2) and paragraph (c) of subsection (3) of section  
1850 1008.22, Florida Statutes, are amended to read:

1851 1008.22 Student assessment program for public schools.—

1852 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—It is  
1853 Florida's intent to participate in the measurement of national  
1854 educational goals. The Commissioner of Education shall direct  
1855 Florida school districts to participate in the administration of  
1856 the National Assessment of Educational Progress, or a similar



5-01049C-11

20111696\_\_

1857 national or international assessment program, both for the  
1858 national sample and for any state-by-state comparison programs  
1859 which may be initiated. The assessments must be conducted using  
1860 the data collection procedures, the student surveys, the  
1861 educator surveys, and other instruments included in the National  
1862 Assessment of Educational Progress or similar national or  
1863 international program being administered in Florida. The results  
1864 of these assessments shall be included in the annual report of  
1865 the Commissioner of Education specified in this section, as  
1866 applicable. The administration of the National Assessment of  
1867 Educational Progress or similar national or international  
1868 program shall be in addition to and separate from the  
1869 administration of the statewide assessment program. The  
1870 requirement that school districts participate in international  
1871 assessment programs shall expire June 30, 2016.

1872 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
1873 design and implement a statewide program of educational  
1874 assessment that provides information for the improvement of the  
1875 operation and management of the public schools, including  
1876 schools operating for the purpose of providing educational  
1877 services to youth in Department of Juvenile Justice programs.  
1878 The commissioner may enter into contracts for the continued  
1879 administration of the assessment, testing, and evaluation  
1880 programs authorized and funded by the Legislature. Contracts may  
1881 be initiated in 1 fiscal year and continue into the next and may  
1882 be paid from the appropriations of either or both fiscal years.  
1883 The commissioner is authorized to negotiate for the sale or  
1884 lease of tests, scoring protocols, test scoring services, and  
1885 related materials developed pursuant to law. Pursuant to the

5-01049C-11

20111696\_\_

1886 statewide assessment program, the commissioner shall:

1887 (c) Develop and implement a student achievement testing  
1888 program as follows:

1889 1. The Florida Comprehensive Assessment Test (FCAT)  
1890 measures a student's content knowledge and skills in reading,  
1891 writing, science, and mathematics. The content knowledge and  
1892 skills assessed by the FCAT must be aligned to the core  
1893 curricular content established in the Next Generation Sunshine  
1894 State Standards. Other content areas may be included as directed  
1895 by the commissioner. Comprehensive assessments of reading and  
1896 mathematics shall be administered annually in grades 3 through  
1897 10 except, beginning with the 2010-2011 school year, the  
1898 administration of grade 9 FCAT Mathematics shall be  
1899 discontinued, and beginning with the 2011-2012 school year, the  
1900 administration of grade 10 FCAT Mathematics shall be  
1901 discontinued, except as required for students who have not  
1902 attained minimum performance expectations for graduation as  
1903 provided in paragraph (9)(c). FCAT Writing and FCAT Science  
1904 shall be administered at least once at the elementary, middle,  
1905 and high school levels except, beginning with the 2011-2012  
1906 school year, the administration of FCAT Science at the high  
1907 school level shall be discontinued.

1908 2.a. End-of-course assessments for a subject shall be  
1909 administered in addition to the comprehensive assessments  
1910 required under subparagraph 1. End-of-course assessments must be  
1911 rigorous, statewide, standardized, and developed or approved by  
1912 the department. The content knowledge and skills assessed by  
1913 end-of-course assessments must be aligned to the core curricular  
1914 content established in the Next Generation Sunshine State

5-01049C-11

20111696

Standards.

(I) Statewide, standardized end-of-course assessments in mathematics shall be administered according to this sub-sub-paragraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I end-of-course assessment. ~~Students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-2008 through 2009-2010 school years and who have not taken Grade 10 FCAT Mathematics must take the Algebra I end-of-course assessment during the 2010-2011 school year.~~ For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent, each student's performance on the end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the end-of-course assessment in Algebra I or attain an equivalent score as described in subsection (11) in order to earn course credit. Beginning with the 2011-2012 school year, all students enrolled in geometry or an equivalent course must take the geometry end-of-course assessment. For students entering grade 9 during the 2011-2012 school year, each student's performance on the end-of-course assessment in geometry shall constitute 30 percent of the student's final course grade. Beginning with students entering grade 9 during the 2012-2013 school year, a student must earn a passing score on the end-of-course assessment in geometry or attain an equivalent score as described in subsection (11) in order to earn course credit.

5-01049C-11

20111696

1944 (II) Statewide, standardized end-of-course assessments in  
1945 science shall be administered according to this sub-sub-  
1946 subparagraph. Beginning with the 2011-2012 school year, all  
1947 students enrolled in Biology I or an equivalent course must take  
1948 the Biology I end-of-course assessment. For the 2011-2012 school  
1949 year, each student's performance on the end-of-course assessment  
1950 in Biology I shall constitute 30 percent of the student's final  
1951 course grade. Beginning with students entering grade 9 during  
1952 the 2012-2013 school year, a student must earn a passing score  
1953 on the end-of-course assessment in Biology I in order to earn  
1954 course credit.

1955 b. During the 2012-2013 school year, an end-of-course  
1956 assessment in civics education shall be administered as a field  
1957 test at the middle school level. During the 2013-2014 school  
1958 year, each student's performance on the statewide, standardized  
1959 end-of-course assessment in civics education shall constitute 30  
1960 percent of the student's final course grade. Beginning with the  
1961 2014-2015 school year, a student must earn a passing score on  
1962 the end-of-course assessment in civics education in order to  
1963 pass the course and be promoted from the middle grades ~~receive~~  
1964 ~~course credit.~~ The school principal of a middle school shall  
1965 determine, in accordance with State Board of Education rule,  
1966 whether a student who transfers to the middle school and who has  
1967 successfully completed a civics education course at the  
1968 student's previous school must take an end-of-course assessment  
1969 in civics education.

1970 c. The commissioner may select one or more nationally  
1971 developed comprehensive examinations, which may include, but  
1972 need not be limited to, examinations for a College Board

5-01049C-11

20111696

1973 Advanced Placement course, International Baccalaureate course,  
1974 or Advanced International Certificate of Education course, or  
1975 industry-approved examinations to earn national industry  
1976 certifications identified in the Industry Certification Funding  
1977 List, pursuant to rules adopted by the State Board of Education,  
1978 for use as end-of-course assessments under this paragraph, if  
1979 the commissioner determines that the content knowledge and  
1980 skills assessed by the examinations meet or exceed the grade  
1981 level expectations for the core curricular content established  
1982 for the course in the Next Generation Sunshine State Standards.  
1983 The commissioner may collaborate with the American Diploma  
1984 Project in the adoption or development of rigorous end-of-course  
1985 assessments that are aligned to the Next Generation Sunshine  
1986 State Standards.

1987       d. Contingent upon funding provided in the General  
1988 Appropriations Act, including the appropriation of funds  
1989 received through federal grants, the Commissioner of Education  
1990 shall establish an implementation schedule for the development  
1991 and administration of additional statewide, standardized end-of-  
1992 course assessments in English/Language Arts II, Algebra II,  
1993 chemistry, physics, earth/space science, United States history,  
1994 and world history. Priority shall be given to the development of  
1995 end-of-course assessments in English/Language Arts II. The  
1996 Commissioner of Education shall evaluate the feasibility and  
1997 effect of transitioning from the grade 9 and grade 10 FCAT  
1998 Reading and high school level FCAT Writing to an end-of-course  
1999 assessment in English/Language Arts II. The commissioner shall  
2000 report the results of the evaluation to the President of the  
2001 Senate and the Speaker of the House of Representatives no later

5-01049C-11

20111696\_\_

2002 than July 1, 2011.

2003           3. The testing program shall measure student content  
2004 knowledge and skills adopted by the State Board of Education as  
2005 specified in paragraph (a) and measure and report student  
2006 performance levels of all students assessed in reading, writing,  
2007 mathematics, and science. The commissioner shall provide for the  
2008 tests to be developed or obtained, as appropriate, through  
2009 contracts and project agreements with private vendors, public  
2010 vendors, public agencies, postsecondary educational  
2011 institutions, or school districts. The commissioner shall obtain  
2012 input with respect to the design and implementation of the  
2013 testing program from state educators, assistive technology  
2014 experts, and the public.

2015           4. The testing program shall be composed of criterion-  
2016 referenced tests that shall, to the extent determined by the  
2017 commissioner, include test items that require the student to  
2018 produce information or perform tasks in such a way that the core  
2019 content knowledge and skills he or she uses can be measured.

2020           5. FCAT Reading, Mathematics, and Science and all  
2021 statewide, standardized end-of-course assessments shall measure  
2022 the content knowledge and skills a student has attained on the  
2023 assessment by the use of scaled scores and achievement levels.  
2024 Achievement levels shall range from 1 through 5, with level 1  
2025 being the lowest achievement level, level 5 being the highest  
2026 achievement level, and level 3 indicating satisfactory  
2027 performance on an assessment. For purposes of FCAT Writing,  
2028 student achievement shall be scored using a scale of 1 through 6  
2029 and the score earned shall be used in calculating school grades.  
2030 A score shall be designated for each subject area tested, below

5-01049C-11

20111696

2031 which score a student's performance is deemed inadequate. The  
2032 school districts shall provide appropriate remedial instruction  
2033 to students who score below these levels.

2034 6. The State Board of Education shall, by rule, designate a  
2035 passing score for each part of the grade 10 assessment test and  
2036 end-of-course assessments. Any rule that has the effect of  
2037 raising the required passing scores may apply only to students  
2038 taking the assessment for the first time after the rule is  
2039 adopted by the State Board of Education. Except as otherwise  
2040 provided in this subparagraph and as provided in s.

2041 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a  
2042 passing score on grade 10 FCAT Reading and grade 10 FCAT  
2043 Mathematics or attain concordant scores as described in  
2044 subsection (10) in order to qualify for a standard high school  
2045 diploma.

2046 7. In addition to designating a passing score under  
2047 subparagraph 6., the State Board of Education shall also  
2048 designate, by rule, a score for each statewide, standardized  
2049 end-of-course assessment which indicates that a student is high  
2050 achieving and has the potential to meet college-readiness  
2051 standards by the time the student graduates from high school.

2052 8. Participation in the testing program is mandatory for  
2053 all students attending public school, including students served  
2054 in Department of Juvenile Justice programs, except as otherwise  
2055 prescribed by the commissioner. A student who has not earned  
2056 passing scores on the grade 10 FCAT as provided in subparagraph  
2057 6. must participate in each retake of the assessment until the  
2058 student earns passing scores or achieves scores on a  
2059 standardized assessment which are concordant with passing scores

5-01049C-11

20111696

2060 pursuant to subsection (10). If a student does not participate  
2061 in the statewide assessment, the district must notify the  
2062 student's parent and provide the parent with information  
2063 regarding the implications of such nonparticipation. A parent  
2064 must provide signed consent for a student to receive classroom  
2065 instructional accommodations that would not be available or  
2066 permitted on the statewide assessments and must acknowledge in  
2067 writing that he or she understands the implications of such  
2068 instructional accommodations. The State Board of Education shall  
2069 adopt rules, based upon recommendations of the commissioner, for  
2070 the provision of test accommodations for students in exceptional  
2071 education programs and for students who have limited English  
2072 proficiency. Accommodations that negate the validity of a  
2073 statewide assessment are not allowable in the administration of  
2074 the FCAT or an end-of-course assessment. However, instructional  
2075 accommodations are allowable in the classroom if included in a  
2076 student's individual education plan. Students using  
2077 instructional accommodations in the classroom that are not  
2078 allowable as accommodations on the FCAT or an end-of-course  
2079 assessment may have the FCAT or an end-of-course assessment  
2080 requirement waived pursuant to the requirements of s.  
2081 1003.428(8) (b) or s. 1003.43(11) (b).

2082 9. A student seeking an adult high school diploma must meet  
2083 the same testing requirements that a regular high school student  
2084 must meet.

2085 10. District school boards must provide instruction to  
2086 prepare students in the core curricular content established in  
2087 the Next Generation Sunshine State Standards adopted under s.  
2088 1003.41, including the core content knowledge and skills



5-01049C-11

20111696

2089 necessary for successful grade-to-grade progression and high  
2090 school graduation. If a student is provided with instructional  
2091 accommodations in the classroom that are not allowable as  
2092 accommodations in the statewide assessment program, as described  
2093 in the test manuals, the district must inform the parent in  
2094 writing and must provide the parent with information regarding  
2095 the impact on the student's ability to meet expected performance  
2096 levels in reading, writing, mathematics, and science. The  
2097 commissioner shall conduct studies as necessary to verify that  
2098 the required core curricular content is part of the district  
2099 instructional programs.

2100 11. District school boards must provide opportunities for  
2101 students to demonstrate an acceptable performance level on an  
2102 alternative standardized assessment approved by the State Board  
2103 of Education following enrollment in summer academies.

2104 12. The Department of Education must develop, or select,  
2105 and implement a common battery of assessment tools that will be  
2106 used in all juvenile justice programs in the state. These tools  
2107 must accurately measure the core curricular content established  
2108 in the Next Generation Sunshine State Standards.

2109 13. For students seeking a special diploma pursuant to s.  
2110 1003.438, the Department of Education must develop or select and  
2111 implement an alternate assessment tool that accurately measures  
2112 the core curricular content established in the Next Generation  
2113 Sunshine State Standards for students with disabilities under s.  
2114 1003.438.

2115 14. The Commissioner of Education shall establish schedules  
2116 for the administration of statewide assessments and the  
2117 reporting of student test results. When establishing the

5-01049C-11

20111696

2118 schedules for the administration of statewide assessments, the  
2119 commissioner shall consider the observance of religious and  
2120 school holidays. The commissioner shall, by August 1 of each  
2121 year, notify each school district in writing and publish on the  
2122 department's Internet website the testing and reporting  
2123 schedules for, at a minimum, the school year following the  
2124 upcoming school year. The testing and reporting schedules shall  
2125 require that:

2126       a. There is the latest possible administration of statewide  
2127 assessments and the earliest possible reporting to the school  
2128 districts of student test results which is feasible within  
2129 available technology and specific appropriations; however, test  
2130 results for the FCAT must be made available no later than the  
2131 week of June 8. Student results for end-of-course assessments  
2132 must be provided no later than 1 week after the school district  
2133 completes testing for each course. The commissioner may extend  
2134 the reporting schedule as he or she determines necessary.

2135       b. Beginning with the 2010-2011 school year, FCAT Writing  
2136 is not administered earlier than the week of March 1 and a  
2137 comprehensive statewide assessment of any other subject is not  
2138 administered earlier than the week of April 15, unless the  
2139 commissioner determines otherwise.

2140       c. A statewide, standardized end-of-course assessment is  
2141 administered during a 3-week period at the end of the course.  
2142 The commissioner shall select a 3-week administration period for  
2143 assessments that meets the intent of end-of-course assessments  
2144 and provides student results prior to the end of the course.  
2145 School districts shall select 1 testing week within the 3-week  
2146 administration period for each end-of-course assessment. For an

5-01049C-11

20111696

2147 end-of-course assessment administered at the end of the first  
2148 semester, the commissioner shall determine the most appropriate  
2149 testing dates based on a school district's academic calendar.

2150  
2151 The commissioner may, based on collaboration and input from  
2152 school districts, design and implement student testing programs,  
2153 for any grade level and subject area, necessary to effectively  
2154 monitor educational achievement in the state, including the  
2155 measurement of educational achievement of the Next Generation  
2156 Sunshine State Standards for students with disabilities.

2157 Development and refinement of assessments shall include  
2158 universal design principles and accessibility standards that  
2159 will prevent any unintended obstacles for students with  
2160 disabilities while ensuring the validity and reliability of the  
2161 test. These principles should be applicable to all technology  
2162 platforms and assistive devices available for the assessments.  
2163 The field testing process and psychometric analyses for the  
2164 statewide assessment program must include an appropriate  
2165 percentage of students with disabilities and an evaluation or  
2166 determination of the effect of test items on such students.

2167 Section 33. Paragraph (b) of subsection (3) and subsection  
2168 (4) of section 1008.33, Florida Statutes, are amended to read:

2169 1008.33 Authority to enforce public school improvement.—

2170 (3)

2171 (b) For the purpose of determining whether a public school  
2172 requires action to achieve a sufficient level of school  
2173 improvement, the Department of Education shall annually  
2174 categorize a public school in one of six categories based on the  
2175 following:

5-01049C-11

20111696\_\_

2176 1. The portion of a school's grade based on statewide  
2177 assessments administered pursuant to s. 1008.22; and

2178 2. school's grade, pursuant to s. 1008.34, and The level  
2179 and rate of change in student performance in the areas of  
2180 reading and mathematics, disaggregated into student subgroups as  
2181 described in the federal Elementary and Secondary Education Act,  
2182 20 U.S.C. s. 6311(b)(2)(C)(v)(II).

2183 (4) The Department of Education shall create a matrix that  
2184 reflects intervention and support strategies to address the  
2185 particular needs of schools in each category. For purposes of  
2186 this subsection, a school's grade shall be calculated in  
2187 accordance with paragraph (3)(b).

2188 (a) Intervention and support strategies shall be applied to  
2189 schools based upon the school categorization. The Department of  
2190 Education shall apply the most intense intervention strategies  
2191 to the lowest-performing schools. For all but the lowest  
2192 category and "F" schools in the second lowest category, the  
2193 intervention and support strategies shall be administered solely  
2194 by the districts and the schools.

2195 (b) Beginning with the school grades calculated in  
2196 accordance with paragraph (3)(b) for the 2010-2011 school year,  
2197 the lowest-performing schools are schools that have received:

2198 ~~1. a grade of "F" in the most recent school year and in 2 4~~  
2199 ~~of the last 4 6 years; or~~

2200 ~~2. A grade of "D" or "F" in the most recent school year and~~  
2201 ~~meet at least three of the following criteria:~~

2202 ~~a. The percentage of students who are not proficient in~~  
2203 ~~reading has increased when compared to measurements taken 5~~  
2204 ~~years previously;~~

5-01049C-11

20111696

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

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

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

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

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

(3) DESIGNATION OF SCHOOL GRADES.—

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

1. A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g.

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

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school

5-01049C-11

20111696\_\_

2234 grade because its students are not tested and included in the  
2235 school grading system shall receive the school grade designation  
2236 of a K-3 feeder pattern school identified by the Department of  
2237 Education and verified by the school district. A school feeder  
2238 pattern exists if at least 60 percent of the students in the  
2239 school serving a combination of students in kindergarten through  
2240 grade 3 are scheduled to be assigned to the graded school.

2241 (b)1. A school's grade shall be based on a combination of:

2242 a. Student achievement scores, including achievement on all  
2243 FCAT assessments administered under s. 1008.22(3)(c)1., end-of-  
2244 course assessments administered under s. 1008.22(3)(c)2.a., and  
2245 achievement scores for students seeking a special diploma.

2246 b. Student learning gains in reading and mathematics as  
2247 measured by FCAT and end-of-course assessments, as described in  
2248 s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking  
2249 a special diploma, as measured by an alternate assessment tool,  
2250 shall be included not later than the 2009-2010 school year.

2251 c. Improvement of the lowest 25th percentile of students in  
2252 the school in reading and mathematics on the FCAT or end-of-  
2253 course assessments described in s. 1008.22(3)(c)2.a., unless  
2254 these students are exhibiting satisfactory performance.

2255 2. Beginning with the 2011-2012 school year, for schools  
2256 comprised of middle school grades 6 through 8 or grades 7 and 8,  
2257 the schools' grade shall include the performance and  
2258 participation of its students in high school level courses with  
2259 end-of-course assessments administered under s.  
2260 1008.22(3)(c)2.a.

2261 ~~3.2.~~ Beginning with the 2009-2010 school year for schools  
2262 comprised of high school grades 9, 10, 11, and 12, or grades 10,

5-01049C-11

20111696

2263 11, and 12, 50 percent of the school grade shall be based on a  
2264 combination of the factors listed in sub-subparagraphs 1.a.-c.  
2265 and the remaining 50 percent on the following factors:

- 2266 a. The high school graduation rate of the school;
- 2267 b. As valid data becomes available, the performance and  
2268 participation of the school's students in College Board Advanced  
2269 Placement courses, International Baccalaureate courses, dual  
2270 enrollment courses, and Advanced International Certificate of  
2271 Education courses; and the students' achievement of national  
2272 industry certification identified in the Industry Certification  
2273 Funding List, pursuant to rules adopted by the State Board of  
2274 Education;
- 2275 c. Postsecondary readiness of the school's students as  
2276 measured by the SAT, ACT, or the common placement test;
- 2277 d. The high school graduation rate of at-risk students who  
2278 scored at Level 2 or lower on the grade 8 FCAT Reading and  
2279 Mathematics examinations;
- 2280 e. As valid data becomes available, the performance of the  
2281 school's students on statewide standardized end-of-course  
2282 assessments administered under s. 1008.22(3)(c)2.b. and c.; and
- 2283 f. The growth or decline in the components listed in sub-  
2284 subparagraphs a.-e. from year to year.

2285 (c) Student assessment data used in determining school  
2286 grades shall include:

- 2287 1. The aggregate scores of all eligible students enrolled  
2288 in the school who have been assessed on the FCAT and statewide,  
2289 standardized end-of-course assessments in courses required for  
2290 high school graduation, including, beginning with the 2010-2011  
2291 school year, the end-of-course assessment in Algebra I; and

5-01049C-11

20111696

2292 beginning with the 2011-2012 school year, the end-of-course  
2293 assessments in geometry and Biology; and beginning with the  
2294 2013-2014 school year, on the statewide, standardized end-of-  
2295 course assessment in civics education at the middle school  
2296 level.

2297       2. The aggregate scores of all eligible students enrolled  
2298 in the school who have been assessed on the FCAT and end-of-  
2299 course assessments as described in s. 1008.22(3)(c)2.a., and who  
2300 have scored at or in the lowest 25th percentile of students in  
2301 the school in reading and mathematics, unless these students are  
2302 exhibiting satisfactory performance.

2303       3. The achievement scores and learning gains of eligible  
2304 students attending alternative schools that provide dropout  
2305 prevention and academic intervention services pursuant to s.  
2306 1003.53. The term "eligible students" in this subparagraph does  
2307 not include students attending an alternative school who are  
2308 subject to district school board policies for expulsion for  
2309 repeated or serious offenses, who are in dropout retrieval  
2310 programs serving students who have officially been designated as  
2311 dropouts, or who are in programs operated or contracted by the  
2312 Department of Juvenile Justice. The student performance data for  
2313 eligible students identified in this subparagraph shall be  
2314 included in the calculation of the home school's grade. As used  
2315 in this subparagraph ~~section~~ and s. 1008.341, the term "home  
2316 school" means the school to which the student would be assigned  
2317 if the student were not assigned to an alternative school. If an  
2318 alternative school chooses to be graded under this section,  
2319 student performance data for eligible students identified in  
2320 this subparagraph shall not be included in the home school's



5-01049C-11

20111696\_\_

2321 grade but shall be included only in the calculation of the  
2322 alternative school's grade. A school district that fails to  
2323 assign the FCAT and end-of-course assessment as described in s.  
2324 1008.22(3)(c)2.a. scores of each of its students to his or her  
2325 home school or to the alternative school that receives a grade  
2326 shall forfeit Florida School Recognition Program funds for 1  
2327 fiscal year. School districts must require collaboration between  
2328 the home school and the alternative school in order to promote  
2329 student success. This collaboration must include an annual  
2330 discussion between the principal of the alternative school and  
2331 the principal of each student's home school concerning the most  
2332 appropriate school assignment of the student.

2333 4. The achievement scores and learning gains of students  
2334 designated as hospital or homebound. Student assessment data for  
2335 students designated as hospital or homebound shall be assigned  
2336 to their home school for the purposes of school grades. As used  
2337 in this subparagraph, the term "home school" means the school to  
2338 which a student would be assigned if the student were not  
2339 assigned to a hospital or homebound program.

2340 5.4. For schools comprised of high school grades 9, 10, 11,  
2341 and 12, or grades 10, 11, and 12, the data listed in  
2342 subparagraphs 1.-3. and the following data as the Department of  
2343 Education determines such data are valid and available:

2344 a. The high school graduation rate of the school as  
2345 calculated by the Department of Education;

2346 b. The participation rate of all eligible students enrolled  
2347 in the school and enrolled in College Board Advanced Placement  
2348 courses; International Baccalaureate courses; dual enrollment  
2349 courses; Advanced International Certificate of Education

5-01049C-11

20111696

2350 courses; and courses or sequence of courses leading to national  
2351 industry certification identified in the Industry Certification  
2352 Funding List, pursuant to rules adopted by the State Board of  
2353 Education;

2354 c. The aggregate scores of all eligible students enrolled  
2355 in the school in College Board Advanced Placement courses,  
2356 International Baccalaureate courses, and Advanced International  
2357 Certificate of Education courses;

2358 d. Earning of college credit by all eligible students  
2359 enrolled in the school in dual enrollment programs under s.  
2360 1007.271;

2361 e. Earning of a national industry certification identified  
2362 in the Industry Certification Funding List, pursuant to rules  
2363 adopted by the State Board of Education;

2364 f. The aggregate scores of all eligible students enrolled  
2365 in the school in reading, mathematics, and other subjects as  
2366 measured by the SAT, the ACT, and the common placement test for  
2367 postsecondary readiness;

2368 g. The high school graduation rate of all eligible at-risk  
2369 students enrolled in the school who scored at Level 2 or lower  
2370 on the grade 8 FCAT Reading and Mathematics examinations;

2371 h. The performance of the school's students on statewide  
2372 standardized end-of-course assessments administered under s.  
2373 1008.22 (3) (c) 2.b. and c.; and

2374 i. The growth or decline in the data components listed in  
2375 sub-subparagraphs a.-h. from year to year.

2376 (d) Notwithstanding the requirements in paragraphs (b) and  
2377 (c), beginning with the 2011-2012 school year, a school that  
2378 does not meet the minimum proficiency standards established by

5-01049C-11

20111696\_\_

2379 the State Board of Education shall receive a school grade of  
2380 "F." A definition of minimum proficiency must include a minimum  
2381 percent of students proficient in reading and may include  
2382 significant gains from the prior year as a condition for waiving  
2383 this paragraph.

2384

2385 The State Board of Education shall adopt appropriate criteria  
2386 for each school grade. The criteria must also give added weight  
2387 to student achievement in reading. Schools designated with a  
2388 grade of "C," making satisfactory progress, shall be required to  
2389 demonstrate that adequate progress has been made by students in  
2390 the school who are in the lowest 25th percentile in reading and  
2391 mathematics on the FCAT and end-of-course assessments as  
2392 described in s. 1008.22(3)(c)2.a., unless these students are  
2393 exhibiting satisfactory performance. Beginning with the 2009-  
2394 2010 school year for schools comprised of high school grades 9,  
2395 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
2396 school grades must also give added weight to the graduation rate  
2397 of all eligible at-risk students, as defined in this paragraph.  
2398 Beginning in the 2009-2010 school year, in order for a high  
2399 school to be designated as having a grade of "A," making  
2400 excellent progress, the school must demonstrate that at-risk  
2401 students, as defined in this paragraph, in the school are making  
2402 adequate progress.

2403 Section 35. Paragraph (a) of subsection (3) of section  
2404 1011.01, Florida Statutes, is amended to read:

2405 1011.01 Budget system established.—

2406 (3) (a) Each district school board and each community  
2407 college board of trustees shall prepare, adopt, and submit to

5-01049C-11

20111696

2408 the Commissioner of Education ~~for review~~ an annual operating  
2409 budget. Operating budgets shall be prepared and submitted in  
2410 accordance with the provisions of law, rules of the State Board  
2411 of Education, the General Appropriations Act, and for district  
2412 school boards in accordance with the provisions of ss. 200.065  
2413 and 1011.64.

2414 Section 36. Subsection (4) of section 1011.03, Florida  
2415 Statutes, is amended to read:

2416 1011.03 Public hearings; budget to be submitted to  
2417 Department of Education.—

2418 (4) The board shall hold public hearings to adopt tentative  
2419 and final budgets pursuant to s. 200.065. The hearings shall be  
2420 primarily for the purpose of hearing requests and complaints  
2421 from the public regarding the budgets and the proposed tax  
2422 levies and for explaining the budget and proposed or adopted  
2423 amendments thereto, if any. The district school board shall then  
2424 require the superintendent to transmit forthwith two copies of  
2425 the adopted budget to the Department of Education ~~for approval~~  
2426 as prescribed by law and rules of the State Board of Education.

2427 Section 37. Subsection (1) of section 1011.61, Florida  
2428 Statutes, is amended to read:

2429 1011.61 Definitions.—Notwithstanding the provisions of s.  
2430 1000.21, the following terms are defined as follows for the  
2431 purposes of the Florida Education Finance Program:

2432 (1) A "full-time equivalent student" in each program of the  
2433 district is defined in terms of full-time students and part-time  
2434 students as follows:

2435 (a) A "full-time student" is one student on the membership  
2436 roll of one school program or a combination of school programs

5-01049C-11

20111696\_\_

2437 listed in s. 1011.62(1)(c) for the school year or the equivalent  
2438 for:

2439 1. Instruction in a standard school, comprising not less  
2440 than 900 net hours for a student in or at the grade level of 4  
2441 through 12, or not less than 720 net hours for a student in or  
2442 at the grade level of kindergarten through grade 3 or in an  
2443 authorized prekindergarten exceptional program;

2444 2. Instruction in a double-session school or a school  
2445 utilizing an experimental school calendar approved by the  
2446 Department of Education, comprising not less than the equivalent  
2447 of 810 net hours in grades 4 through 12 or not less than 630 net  
2448 hours in kindergarten through grade 3; or

2449 3. Instruction comprising the appropriate number of net  
2450 hours set forth in subparagraph 1. or subparagraph 2. for  
2451 students who, within the past year, have moved with their  
2452 parents for the purpose of engaging in the farm labor or fish  
2453 industries, if a plan furnishing such an extended school day or  
2454 week, or a combination thereof, has been approved by the  
2455 commissioner. Such plan may be approved to accommodate the needs  
2456 of migrant students only or may serve all students in schools  
2457 having a high percentage of migrant students. The plan described  
2458 in this subparagraph is optional for any school district and is  
2459 not mandated by the state.

2460 (b) A "part-time student" is a student on the active  
2461 membership roll of a school program or combination of school  
2462 programs listed in s. 1011.62(1)(c) who is less than a full-time  
2463 student.

2464 (c)1. A "full-time equivalent student" is:

2465 a. A full-time student in any one of the programs listed in

5-01049C-11

20111696\_\_

2466 s. 1011.62(1)(c); or

2467 b. A combination of full-time or part-time students in any  
2468 one of the programs listed in s. 1011.62(1)(c) which is the  
2469 equivalent of one full-time student based on the following  
2470 calculations:

2471 (I) A full-time student, except a postsecondary or adult  
2472 student or a senior high school student enrolled in adult  
2473 education when such courses are required for high school  
2474 graduation, in a combination of programs listed in s.  
2475 1011.62(1)(c) shall be a fraction of a full-time equivalent  
2476 membership in each special program equal to the number of net  
2477 hours per school year for which he or she is a member, divided  
2478 by the appropriate number of hours set forth in subparagraph  
2479 (a)1. or subparagraph (a)2. The difference between that fraction  
2480 or sum of fractions and the maximum value as set forth in  
2481 subsection (4) for each full-time student is presumed to be the  
2482 balance of the student's time not spent in such special  
2483 education programs and shall be recorded as time in the  
2484 appropriate basic program.

2485 (II) A prekindergarten handicapped student shall meet the  
2486 requirements specified for kindergarten students.

2487 (III) A full-time equivalent student for students in  
2488 kindergarten through grade 5 in a school district virtual  
2489 instruction program under s. 1002.45 shall consist of a student  
2490 who has successfully completed a basic program listed in s.  
2491 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade  
2492 level.

2493 (IV) A full-time equivalent student for students in grades  
2494 6 through 8 ~~12~~ in a school district virtual instruction program

5-01049C-11

20111696

2495 under s. 1002.45(1)(b)1. ~~and 2.~~ shall consist of six full  
2496 successful course ~~credit~~ completions in programs listed in s.  
2497 1011.62(1)(c)1.b. ~~or c. and 3.~~ A full-time equivalent student  
2498 for students in grades 9 through 12 in a school district virtual  
2499 instruction program under s. 1002.45(1)(b)1. and 2. shall  
2500 consist of six full credit completions in programs listed in s.  
2501 1011.62(1)(c)1.c. or 3. Successful course ~~Credit~~ completions for  
2502 students in grades 6 through 8 can be a combination of either  
2503 successful semester or full-course completions ~~full credits or~~  
2504 ~~half credits.~~ Successful credit completions for students in  
2505 grades 9 through 12 can be a combination of either credits or  
2506 half credits.

2507 (V) A Florida Virtual School full-time equivalent student  
2508 shall consist of six full successful course completions for  
2509 students in grades 4 through 8 ~~credit completions~~ in the  
2510 programs listed in s. 1011.62(1)(c)1.b. ~~for grades 6 through 8~~  
2511 ~~and the programs listed in s. 1011.62(1)(c)1.c. for grades 9~~  
2512 ~~through 12.~~ A Florida Virtual School full-time equivalent  
2513 student shall consist of six full credit completions for grades  
2514 9 through 12 in the programs listed in s. 1011.62(1)(c)1.c. and  
2515 3. Credit or course completions can be a combination of either  
2516 successful semester or full-course completions for grades 6  
2517 through 8 and full credits and half-credits for grades 9 through  
2518 12 ~~full credits or half credits.~~

2519 (VI) Each successfully completed credit earned under the  
2520 alternative high school course credit requirements authorized in  
2521 s. 1002.375, which is not reported as a portion of the 900 net  
2522 hours of instruction pursuant to subparagraph (1)(a)1., shall be  
2523 calculated as 1/6 FTE.

5-01049C-11

20111696

2524           2. A student in membership in a program scheduled for more  
2525 or less than 180 school days or the equivalent on an hourly  
2526 basis as specified by rules of the State Board of Education is a  
2527 fraction of a full-time equivalent membership equal to the  
2528 number of instructional hours in membership divided by the  
2529 appropriate number of hours set forth in subparagraph (a)1.;  
2530 however, for the purposes of this subparagraph, membership in  
2531 programs scheduled for more than 180 days is limited to students  
2532 enrolled in juvenile justice education programs and the Florida  
2533 Virtual School.

2534  
2535 The department shall determine and implement an equitable method  
2536 of equivalent funding for experimental schools and for schools  
2537 operating under emergency conditions, which schools have been  
2538 approved by the department to operate for less than the minimum  
2539 school day.

2540           Section 38. Paragraph (p) of subsection (1) and paragraph  
2541 (b) of subsection (6) of section 1011.62, Florida Statutes, are  
2542 amended to read:

2543           1011.62 Funds for operation of schools.—If the annual  
2544 allocation from the Florida Education Finance Program to each  
2545 district for operation of schools is not determined in the  
2546 annual appropriations act or the substantive bill implementing  
2547 the annual appropriations act, it shall be determined as  
2548 follows:

2549           (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
2550 OPERATION.—The following procedure shall be followed in  
2551 determining the annual allocation to each district for  
2552 operation:



5-01049C-11

20111696

2553 (p) Calculation of additional full-time equivalent  
2554 membership based on certification of successful completion of  
2555 industry-certified career and professional academy programs  
2556 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified  
2557 in the Industry Certified Funding List pursuant to rules adopted  
2558 by the State Board of Education.—A maximum value of 0.3 full-  
2559 time equivalent student membership shall be calculated for each  
2560 student who completes an industry-certified career and  
2561 professional academy program under ss. 1003.491, 1003.492, and  
2562 1003.493 and who is issued the highest level of industry  
2563 certification identified annually in the Industry Certification  
2564 Funding List approved under rules adopted by the State Board of  
2565 Education and a high school diploma. The value of the full-time  
2566 equivalent student membership shall be determined by weights  
2567 adopted by the State Board of Education pursuant to s. 1003.492.  
2568 Such value shall be added to the total full-time equivalent  
2569 student membership in secondary career education programs for  
2570 grades 9 through 12 in the subsequent year for courses that were  
2571 not funded through dual enrollment. The additional full-time  
2572 equivalent membership authorized under this paragraph may not  
2573 exceed 0.3 per student. Each district must allocate at least 80  
2574 percent of the funds provided for industry certification, in  
2575 accordance with this paragraph, to the program that generated  
2576 the funds. Unless a different amount is specified in the General  
2577 Appropriations Act, the appropriation for this calculation is  
2578 limited to \$15 million annually. If the appropriation is  
2579 insufficient to fully fund the total calculation, the  
2580 appropriation shall be prorated.

2581 (6) CATEGORICAL FUNDS.—

5-01049C-11

20111696\_\_

2582 (b) If a district school board finds and declares in a  
2583 resolution adopted at a regular meeting of the school board that  
2584 the funds received for any of the following categorical  
2585 appropriations are urgently needed to maintain school board  
2586 specified academic classroom instruction, the school board may  
2587 consider and approve an amendment to the school district  
2588 operating budget transferring the identified amount of the  
2589 categorical funds to the appropriate account for expenditure:

- 2590 1. Funds for student transportation.
- 2591 2. Funds for safe schools.
- 2592 3. Funds for supplemental academic instruction.
- 2593 4. Funds for research-based reading instruction.
- 2594 ~~5. Funds for instructional materials if all instructional~~  
2595 ~~material purchases necessary to provide updated materials~~  
2596 ~~aligned to Next Generation Sunshine State Standards and~~  
2597 ~~benchmarks and that meet statutory requirements of content and~~  
2598 ~~learning have been completed for that fiscal year, but no sooner~~  
2599 ~~than March 1, 2011. Funds available after March 1 may be used to~~  
2600 ~~purchase hardware for student instruction.~~

2601 Section 39. Subsection (1) of section 1012.39, Florida  
2602 Statutes, is amended to read:

2603 1012.39 Employment of substitute teachers, teachers of  
2604 adult education, nondegreed teachers of career education, and  
2605 career specialists; students performing clinical field  
2606 experience.—

2607 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
2608 1012.57, or any other provision of law or rule to the contrary,  
2609 each district school board shall establish the minimal  
2610 qualifications for:

5-01049C-11

20111696\_\_

2611 (a) Substitute teachers to be employed pursuant to s.  
2612 1012.35. The qualifications shall require the filing of a  
2613 complete set of fingerprints in the same manner as required by  
2614 s. 1012.32; documentation of a minimum education level of a high  
2615 school diploma or equivalent; and completion of an initial  
2616 orientation and training program in district policies and  
2617 procedures addressing school safety and security procedures,  
2618 educational liability laws, professional responsibilities, and  
2619 ethics.

2620 (b) Part-time and full-time teachers in adult education  
2621 programs. The qualifications shall require the filing of a  
2622 complete set of fingerprints in the same manner as required by  
2623 s. 1012.32. Faculty employed solely to conduct postsecondary  
2624 instruction may be exempted from this requirement.

2625 (c) Part-time and full-time nondegreed teachers of career  
2626 programs. Qualifications shall be established for nondegreed  
2627 teachers of career and technical education courses for program  
2628 clusters that are recognized in the state and ~~agriculture,~~  
2629 ~~business, health occupations, family and consumer sciences,~~  
2630 ~~industrial, marketing, career specialist, and public service~~  
2631 ~~education teachers,~~ based primarily on successful occupational  
2632 experience rather than academic training. The qualifications for  
2633 such teachers shall require:

2634 1. The filing of a complete set of fingerprints in the same  
2635 manner as required by s. 1012.32. Faculty employed solely to  
2636 conduct postsecondary instruction may be exempted from this  
2637 requirement.

2638 2. Documentation of education and successful occupational  
2639 experience including documentation of:

5-01049C-11

20111696\_\_

- 2640           a. A high school diploma or the equivalent.
- 2641           b. Completion of 6 years of full-time successful  
2642 occupational experience or the equivalent of part-time  
2643 experience in the teaching specialization area. Alternate means  
2644 of determining successful occupational experience may be  
2645 established by the district school board.
- 2646           c. Completion of career education training conducted  
2647 through the local school district inservice master plan.
- 2648           d. For full-time teachers, completion of professional  
2649 education training in teaching methods, course construction,  
2650 lesson planning and evaluation, and teaching special needs  
2651 students. This training may be completed through coursework from  
2652 an accredited or approved institution or an approved district  
2653 teacher education program.
- 2654           e. Demonstration of successful teaching performance.
- 2655           f. Documentation of industry certification when state or  
2656 national industry certifications are available and applicable.
- 2657           Section 40. Except as otherwise expressly provided in this  
2658 act and except for this section, which shall take effect upon  
2659 becoming a law, this act shall take effect July 1, 2011.