

By the Committees on Appropriations; and Education

576-03324-14

20141642c1

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

576-03324-14

20141642c1

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

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

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

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

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

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

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

576-03324-14

20141642c1

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

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

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

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

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

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

576-03324-14

20141642c1

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

94 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

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

576-03324-14

20141642c1

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

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

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

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

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

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

145 d. The percentage of eligible students passing the

576-03324-14

20141642c1

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

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

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

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

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

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

576-03324-14

20141642c1

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

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

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

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

576-03324-14

20141642c1

204 worth 100 points factors:

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

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

217 (c)1. The calculation of a school grade shall be based on
218 the percentage of points earned from the components listed in
219 subparagraph (b)1. and, if applicable, subparagraph (b)2. The
220 State Board of Education shall adopt in rule a school grading
221 scale that sets the percentage of points needed to earn each of
222 the school grades listed in subsection (2). There shall be at
223 least 5 percentage points separating the percentage thresholds
224 needed to earn each of the school grades. Each school year, the
225 percentage of schools earning "A" and "B" grades shall be
226 reviewed to determine whether to adjust the school grading scale
227 upward for the following school year's calculation of school
228 grades. An adjustment must be made if the percentage of schools
229 earning an "A" and "B" in the current year represents 75 percent
230 or more of all graded schools within a particular school type
231 used for accountability. The adjustment must reset the minimum
232 required percentage of points for each grade at a percentage

576-03324-14

20141642c1

233 threshold that would yield less than 75 percent of schools
234 earning an "A" and "B" if applied in the year mandating the
235 adjustment. The adjustments shall end when the following grade
236 scale is achieved:

237 a. Ninety percent or more of the points for an "A."

238 b. Eighty to 89 percent of the points for a "B."

239 c. Seventy to 79 percent of the points for a "C."

240 d. Sixty to 69 percent of the points for a "D."

241 e. Fifty-nine percent or less of the points for an "F."

242 2. The calculation of school grades may not include any
243 provision that would raise or lower the school's grade beyond
244 the percentage of points earned. Extra weight may not be added
245 in the calculation of any components.

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

249 ~~d. The high school graduation rate of at-risk students, who~~
250 ~~score Level 1 or Level 2 on grade 8 FCAT Reading or the English~~
251 ~~Language Arts and mathematics assessments administered under s.~~
252 ~~1008.22;~~

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

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

258 ~~(c) Student assessment data used in determining school~~
259 ~~grades shall include:~~

260 ~~1. The aggregate scores of all eligible students enrolled~~
261 ~~in the school who have been assessed on statewide, standardized~~

576-03324-14

20141642c1

262 ~~assessments in courses required for high school graduation,~~
263 ~~including, beginning with the 2011-2012 school year, the end-of-~~
264 ~~course assessment in Algebra I; and beginning with the 2012-2013~~
265 ~~school year, the end-of-course assessments in Geometry and~~
266 ~~Biology I; and beginning with the 2014-2015 school year, on the~~
267 ~~statewide, standardized end-of-course assessment in civics~~
268 ~~education at the middle grades level.~~

269 ~~2. The aggregate scores of all eligible students enrolled~~
270 ~~in the school who have been assessed on statewide, standardized~~
271 ~~assessments under s. 1008.22 and who have scored at or in the~~
272 ~~lowest 25th percentile of students in the school in reading and~~
273 ~~mathematics, unless these students are exhibiting satisfactory~~
274 ~~performance.~~

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

278 1.3. The student performance data for achievement scores
279 and learning gains of eligible students attending alternative
280 schools that provide dropout prevention and academic
281 intervention services pursuant to s. 1003.53 shall be included
282 in the calculation of the home school's grade. The term
283 "eligible students" in this subparagraph does not include
284 students attending an alternative school who are subject to
285 district school board policies for expulsion for repeated or
286 serious offenses, who are in dropout retrieval programs serving
287 students who have officially been designated as dropouts, or who
288 are in programs operated or contracted by the Department of
289 Juvenile Justice. ~~The student performance data for eligible~~
290 ~~students identified in this subparagraph shall be included in~~

576-03324-14

20141642c1

291 ~~the calculation of the home school's grade.~~ As used in this
292 subparagraph and s. 1008.341, the term "home school" means the
293 school to which the student would be assigned if the student
294 were not assigned to an alternative school. If an alternative
295 school chooses to be graded under this section, student
296 performance data for eligible students identified in this
297 subparagraph shall not be included in the home school's grade
298 but shall be included only in the calculation of the alternative
299 school's grade. A school district that fails to assign
300 statewide, standardized end-of-course assessment scores of each
301 of its students to his or her home school or to the alternative
302 school that receives a grade shall forfeit Florida School
303 Recognition Program funds for one ± fiscal year. School
304 districts must require collaboration between the home school and
305 the alternative school in order to promote student success. This
306 collaboration must include an annual discussion between the
307 principal of the alternative school and the principal of each
308 student's home school concerning the most appropriate school
309 assignment of the student.

310 ~~2.4. Student performance data for~~ The achievement scores
311 ~~and learning gains of students designated as hospital or~~
312 homebound hospital ~~or homebound. Student assessment data for~~
313 ~~students designated as hospital or homebound~~ shall be assigned
314 to their home school for the purposes of school grades. As used
315 in this subparagraph, the term "home school" means the school to
316 which a student would be assigned if the student were not
317 assigned to a hospital or homebound ~~hospital or homebound~~
318 program.

319 ~~5. For schools comprised of high school grades 9, 10, 11,~~

576-03324-14

20141642c1

320 and ~~12~~, or grades 10, 11, and 12, the data listed in
321 subparagraphs ~~1.~~ ~~3.~~ and the following data as the Department of
322 Education determines such data are valid and available:

323 a. ~~The high school graduation rate of the school as~~
324 ~~calculated by the department;~~

325 b. ~~The participation rate of all eligible students enrolled~~
326 ~~in the school and enrolled in College Board Advanced Placement~~
327 ~~courses; International Baccalaureate courses; dual enrollment~~
328 ~~courses; Advanced International Certificate of Education~~
329 ~~courses; and courses or sequences of courses leading to national~~
330 ~~industry certification identified in the Industry Certification~~
331 ~~Funding List, pursuant to rules adopted by the State Board of~~
332 ~~Education;~~

333 c. ~~The aggregate scores of all eligible students enrolled~~
334 ~~in the school in College Board Advanced Placement courses,~~
335 ~~International Baccalaureate courses, and Advanced International~~
336 ~~Certificate of Education courses;~~

337 d. ~~Earning of college credit by all eligible students~~
338 ~~enrolled in the school in dual enrollment programs under s.~~
339 ~~1007.271;~~

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

343 f. ~~The aggregate scores of all eligible students enrolled~~
344 ~~in the school in reading, mathematics, and other subjects as~~
345 ~~measured by the SAT, the ACT, the Postsecondary Education~~
346 ~~Readiness Test, and the common placement test for postsecondary~~
347 ~~readiness;~~

348 g. ~~The high school graduation rate of all eligible at-risk~~

576-03324-14

20141642c1

349 ~~students enrolled in the school who scored Level 2 or lower on~~
350 ~~grade 8 FCAT Reading and FCAT Mathematics;~~

351 ~~h. The performance of the school's students on statewide,~~
352 ~~standardized end-of-course assessments administered under s.~~
353 ~~1008.22(3)(b)4. and 5.; and~~

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

356
357 ~~The State Board of Education shall adopt appropriate criteria~~
358 ~~for each school grade. The criteria must also give added weight~~
359 ~~to student achievement in reading. Schools earning a grade of~~
360 ~~"C," making satisfactory progress, shall be required to~~
361 ~~demonstrate that adequate progress has been made by students in~~
362 ~~the school who are in the lowest 25th percentile in reading and~~
363 ~~mathematics on statewide, standardized assessments under s.~~
364 ~~1008.22, unless these students are exhibiting satisfactory~~
365 ~~performance. For schools comprised of high school grades 9, 10,~~
366 ~~11, and 12, or grades 10, 11, and 12, the criteria for school~~
367 ~~grades must also give added weight to the graduation rate of all~~
368 ~~eligible at-risk students. In order for a high school to earn a~~
369 ~~grade of "A," the school must demonstrate that its at-risk~~
370 ~~students, as defined in this paragraph, are making adequate~~
371 ~~progress.~~

372 ~~(4) SCHOOL IMPROVEMENT RATINGS. The annual report shall~~
373 ~~identify each school's performance as having improved, remained~~
374 ~~the same, or declined. This school improvement rating shall be~~
375 ~~based on a comparison of the current year's and previous year's~~
376 ~~student and school performance data. A school that improves its~~
377 ~~rating by at least one level is eligible for school recognition~~

576-03324-14

20141642c1

378 ~~awards pursuant to s. 1008.36.~~

379 ~~(4)~~(5) SCHOOL REPORT CARD.—The Department of Education
380 shall annually develop, in collaboration with the school
381 districts, a school report card to be provided by the school
382 district to parents within the district. The report card shall
383 include the school's grade; student performance in English
384 Language Arts, mathematics, science, and social studies;~~;~~
385 information regarding school improvement;~~;~~ an explanation of
386 school performance as evaluated by the federal Elementary and
387 Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.;~~;~~ and
388 indicators of return on investment. Each school's report card
389 shall be published annually by the department on its website
390 based upon the most recent data available.

391 ~~(6) PERFORMANCE-BASED FUNDING. The Legislature may factor~~
392 ~~in the performance of schools in calculating any performance-~~
393 ~~based funding policy that is provided for annually in the~~
394 ~~General Appropriations Act.~~

395 ~~(5)~~(7) DISTRICT GRADE.—~~The annual report required by~~
396 ~~subsection (1) shall include the school district's grade.~~
397 Beginning with the 2014-2015 school year, a school district's
398 grade shall include a district-level calculation of the
399 components under paragraph (3) (b) be calculated using student
400 performance and learning gains data on statewide assessments
401 used for determining school grades under subparagraph (3) (b)1.
402 for each eligible student enrolled for a full school year in the
403 district. This calculation methodology captures each eligible
404 student in the district who may have transferred among schools
405 within the district or is enrolled in a school that does not
406 receive a grade. The department shall develop a district report

576-03324-14

20141642c1

407 card that includes the district's grade; measures of the
408 district's progress in closing the achievement gap between
409 higher-performing student subgroups and lower-performing student
410 subgroups; measures of the district's progress in demonstrating
411 Learning Gains of its highest-performing students; measures of
412 the district's success in improving student attendance; the
413 district's grade-level promotion of students scoring achievement
414 levels 1 and 2 on statewide, standardized English Language Arts
415 and mathematics assessments; and measures of the district's
416 performance in preparing students for the transition from
417 elementary to middle school, middle to high school, and high
418 school to postsecondary institutions and careers.

419 (6) ~~(8)~~ RULES.—The State Board of Education shall adopt
420 rules under ss. 120.536(1) and 120.54 to administer this
421 section.

422 (7) TRANSITION.—School grades and school improvement
423 ratings pursuant to s. 1008.341 for the 2013-2014 school year
424 shall be calculated based on statutes and rules in effect on
425 June 30, 2014. To assist in the transition to 2014-2015 school
426 grades, calculated based on new statewide, standardized
427 assessments administered pursuant to s. 1008.22, the 2014-2015
428 school grades shall serve as an informational baseline for
429 schools to work toward improved performance in future years.

430 Accordingly, notwithstanding any other provision of law:

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

435 (b)1. A school or approved provider under s. 1002.45 that

576-03324-14

20141642c1

436 receives the same or a lower school grade or school improvement
437 rating for the 2014-2015 school year compared to the 2013-2014
438 school year is not subject to sanctions or penalties that would
439 otherwise occur as a result of the 2014-2015 school grade or
440 rating. A charter school system or a school district designated
441 as high performing may not lose the designation based on the
442 2014-2015 school grades of any of the schools within the charter
443 school system or school district, as applicable.

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

447 (c) For purposes of determining grade 3 retention pursuant
448 to s. 1008.25(5) and high school graduation pursuant to s.
449 1003.4282, student performance on the 2014-2015 statewide,
450 standardized assessments shall be linked to 2013-2014 student
451 performance expectations.

452
453 This subsection is repealed July 1, 2017.

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

456 1001.42 Powers and duties of district school board.—The
457 district school board, acting as a board, shall exercise all
458 powers and perform all duties listed below:

459 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
460 Maintain a ~~state~~ system of school improvement and education
461 accountability as provided by statute and State Board of
462 Education rule. This system of school improvement and education
463 accountability shall be consistent with, and implemented
464 through, the district's continuing system of planning and

576-03324-14

20141642c1

465 budgeting required by this section and ss. 1008.385, 1010.01,
466 and 1011.01. This system of school improvement and education
467 accountability shall comply with the provisions of ss. 1008.33,
468 1008.34, 1008.345, and 1008.385 and include the following:

469 (a) *School improvement plans.*—The district school board
470 shall annually approve and require implementation of a new,
471 amended, or continuation school improvement plan for each school
472 in the district. If a school has a significant gap in
473 achievement on statewide, standardized assessments administered
474 pursuant to s. 1008.22 ~~1008.34(3)(b)~~ by one or more student
475 subgroups, as defined in the federal Elementary and Secondary
476 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
477 significantly increased ~~decreased~~ the percentage of students
478 passing scoring below satisfactory on statewide, standardized
479 assessments; has not significantly increased the percentage of
480 students demonstrating Learning Gains, as defined in s. 1008.34
481 and as calculated under s. 1008.34(3)(b), who passed statewide,
482 standardized assessments; or has significantly lower graduation
483 rates for a subgroup when compared to the state's graduation
484 rate, that school's improvement plan shall include strategies
485 for improving these results. The state board shall adopt rules
486 establishing thresholds and for determining compliance with this
487 paragraph.

488 (b) *Public disclosure.*—The district school board shall
489 provide information regarding the performance of students and
490 educational programs as required pursuant to ss. 1008.22 and
491 1008.385 and implement a system of school reports as required by
492 statute and State Board of Education rule which shall include
493 schools operating for the purpose of providing educational

576-03324-14

20141642c1

494 services to youth in Department of Juvenile Justice programs,
495 and for those schools, report on the elements specified in s.
496 1003.52(19). Annual public disclosure reports shall be in an
497 easy-to-read report card format and shall include the school's
498 grade, high school graduation rate calculated without GED tests,
499 disaggregated by student ethnicity, and performance data as
500 specified in state board rule.

501 (c) *School improvement funds.*—The district school board
502 shall provide funds to schools for developing and implementing
503 school improvement plans. Such funds shall include those funds
504 appropriated for the purpose of school improvement pursuant to
505 s. 24.121(5)(c).

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

509 1002.33 Charter schools.—

510 (9) CHARTER SCHOOL REQUIREMENTS.—

511 (n)1. The director and a representative of the governing
512 board of a charter school that has earned a grade of "D" or "F"
513 pursuant to s. 1008.34 ~~1008.34(2)~~ shall appear before the
514 sponsor to present information concerning each contract
515 component having noted deficiencies. The director and a
516 representative of the governing board shall submit to the
517 sponsor for approval a school improvement plan to raise student
518 performance achievement. Upon approval by the sponsor, the
519 charter school shall begin implementation of the school
520 improvement plan. The department shall offer technical
521 assistance and training to the charter school and its governing
522 board and establish guidelines for developing, submitting, and

576-03324-14

20141642c1

523 approving such plans.

524 2.a. If a charter school earns three consecutive grades of
525 "D," two consecutive grades of "D" followed by a grade of "F,"
526 or two nonconsecutive grades of "F" within a 3-year period, the
527 charter school governing board shall choose one of the following
528 corrective actions:

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

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

534 (III) Reorganize the school under a new director or
535 principal who is authorized to hire new staff; or

536 (IV) Voluntarily close the charter school.

537 b. The charter school must implement the corrective action
538 in the school year following receipt of a third consecutive
539 grade of "D," a grade of "F" following two consecutive grades of
540 "D," or a second nonconsecutive grade of "F" within a 3-year
541 period.

542 c. The sponsor may annually waive a corrective action if it
543 determines that the charter school is likely to improve a letter
544 grade if additional time is provided to implement the
545 intervention and support strategies prescribed by the school
546 improvement plan. Notwithstanding this sub-subparagraph, a
547 charter school that earns a second consecutive grade of "F" is
548 subject to subparagraph 4.

549 d. A charter school is no longer required to implement a
550 corrective action if it improves by at least one letter grade.
551 However, the charter school must continue to implement

576-03324-14

20141642c1

552 strategies identified in the school improvement plan. The
553 sponsor must annually review implementation of the school
554 improvement plan to monitor the school's continued improvement
555 pursuant to subparagraph 5.

556 e. A charter school implementing a corrective action that
557 does not improve by at least one letter grade after 2 full
558 school years of implementing the corrective action must select a
559 different corrective action. Implementation of the new
560 corrective action must begin in the school year following the
561 implementation period of the existing corrective action, unless
562 the sponsor determines that the charter school is likely to
563 improve a letter grade if additional time is provided to
564 implement the existing corrective action. Notwithstanding this
565 sub-subparagraph, a charter school that earns a second
566 consecutive grade of "F" while implementing a corrective action
567 is subject to subparagraph 4.

568 3. A charter school with a grade of "D" or "F" that
569 improves by at least one letter grade must continue to implement
570 the strategies identified in the school improvement plan. The
571 sponsor must annually review implementation of the school
572 improvement plan to monitor the school's continued improvement
573 pursuant to subparagraph 5.

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

576 a. The charter school is established to turn around the
577 performance of a district public school pursuant to s.
578 1008.33(4)(b)3. Such charter schools shall be governed by s.
579 1008.33;

580 b. The charter school serves a student population the

576-03324-14

20141642c1

581 majority of which resides in a school zone served by a district
582 public school that earned a grade of "F" in the year before the
583 charter school opened and the charter school earns at least a
584 grade of "D" in its third year of operation. The exception
585 provided under this sub-subparagraph does not apply to a charter
586 school in its fourth year of operation and thereafter; or

587 c. The state board grants the charter school a waiver of
588 termination. The charter school must request the waiver within
589 15 days after the department's official release of school
590 grades. The state board may waive termination if the charter
591 school demonstrates that the Learning Gains of its students on
592 statewide assessments are comparable to or better than the
593 Learning Gains of similarly situated students enrolled in nearby
594 district public schools. The waiver is valid for 1 year and may
595 only be granted once. Charter schools that have been in
596 operation for more than 5 years are not eligible for a waiver
597 under this sub-subparagraph.

598 5. The director and a representative of the governing board
599 of a graded charter school that has implemented a school
600 improvement plan under this paragraph shall appear before the
601 sponsor at least once a year to present information regarding
602 the progress of intervention and support strategies implemented
603 by the school pursuant to the school improvement plan and
604 corrective actions, if applicable. The sponsor shall communicate
605 at the meeting, and in writing to the director, the services
606 provided to the school to help the school address its
607 deficiencies.

608 6. Notwithstanding any provision of this paragraph except
609 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter

576-03324-14

20141642c1

610 at any time pursuant to subsection (8).

611 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

612 (b)1. The Department of Education shall report to each
613 charter school receiving a school grade pursuant to s. 1008.34
614 or a school improvement rating pursuant to s. 1008.341 the
615 school's student assessment data ~~pursuant to s. 1008.34(3)(e)~~
616 ~~which is reported to schools that receive a school grade or~~
617 ~~student assessment data pursuant to s. 1008.341(3) which is~~
618 ~~reported to alternative schools that receive a school~~
619 ~~improvement rating to each charter school that:~~

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

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

624 2. The charter school shall report the information in
625 subparagraph 1. to each parent of a student at the charter
626 school, the parent of a child on a waiting list for the charter
627 school, the district in which the charter school is located, and
628 the governing board of the charter school. This paragraph does
629 not abrogate the provisions of s. 1002.22, relating to student
630 records, or the requirements of 20 U.S.C. s. 1232g, the Family
631 Educational Rights and Privacy Act.

632 3.a. Pursuant to this paragraph, the Department of
633 Education shall compare the charter school student performance
634 data for each charter school in subparagraph 1. with the student
635 performance data in traditional public schools in the district
636 in which the charter school is located and other charter schools
637 in the state. For alternative charter schools, the department
638 shall compare the student performance data described in this

576-03324-14

20141642c1

639 paragraph with all alternative schools in the state. The
640 comparative data shall be provided by the following grade
641 groupings:

- 642 (I) Grades 3 through 5;
643 (II) Grades 6 through 8; and
644 (III) Grades 9 through 11.

645 b. Each charter school shall provide the information
646 specified in this paragraph on its Internet website and also
647 provide notice to the public at large in a manner provided by
648 the rules of the State Board of Education. The State Board of
649 Education shall adopt rules to administer the notice
650 requirements of this subparagraph pursuant to ss. 120.536(1) and
651 120.54. The website shall include, through links or actual
652 content, other information related to school performance.

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

655 1003.621 Academically high-performing school districts.—It
656 is the intent of the Legislature to recognize and reward school
657 districts that demonstrate the ability to consistently maintain
658 or improve their high-performing status. The purpose of this
659 section is to provide high-performing school districts with
660 flexibility in meeting the specific requirements in statute and
661 rules of the State Board of Education.

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

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

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

576-03324-14

20141642c1

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

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

672 3. Has no material weaknesses or instances of material
673 noncompliance noted in the annual financial audit conducted
674 pursuant to s. 11.45 or s. 218.39.

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

678 1. Comply with the provisions of subparagraphs (a)2. and
679 3.; and

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

682

683 However, a district in which a district-operated school earns a
684 grade of "F" under s. 1008.34 during the 3-year period may not
685 continue to be designated as an academically high-performing
686 school district during the remainder of that 3-year period. The
687 district must meet the criteria in paragraph (a) in order to be
688 redesignated as an academically high-performing school district.

689 Section 5. Paragraph (b) of subsection (1) of section
690 1008.31, Florida Statutes, is amended to read:

691 1008.31 Florida's K-20 education performance accountability
692 system; legislative intent; mission, goals, and systemwide
693 measures; data quality improvements.—

694 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
695 that:

696 (b) The K-20 education performance accountability system be

576-03324-14

20141642c1

697 established as a single, unified accountability system with
698 multiple components, including, but not limited to, ~~measures of~~
699 ~~adequate yearly progress, individual~~ student performance
700 ~~learning gains~~ in public schools and school and district
701 ~~grades, and return on investment.~~

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

704 1008.33 Authority to enforce public school improvement.—

705 (2) (a) Pursuant to subsection (1) and ss. 1008.34,
706 1008.345, and 1008.385, the State Board of Education shall hold
707 all school districts and public schools accountable for student
708 performance. The state board is responsible for a state system
709 of school improvement and education accountability that assesses
710 student performance by school, identifies schools that in which
711 ~~students~~ are not meeting accountability ~~making adequate progress~~
712 ~~toward state~~ standards, and institutes appropriate measures for
713 enforcing improvement.

714 (b) The state system of school improvement and education
715 accountability must provide for uniform accountability
716 standards, provide assistance of escalating intensity to ~~low-~~
717 ~~performing~~ schools not meeting accountability standards, direct
718 support to schools in order to improve and sustain performance,
719 focus on the performance of student subgroups, and enhance
720 student performance.

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

725 Section 7. Subsections (2), (3), and (4) of section

576-03324-14

20141642c1

726 1008.341, Florida Statutes, are amended to read:

727 1008.341 School improvement rating for alternative
728 schools.—

729 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
730 school that provides dropout prevention and academic
731 intervention services pursuant to s. 1003.53. An alternative
732 school shall receive a school improvement rating pursuant to
733 this section unless the school earns a school grade pursuant to
734 s. 1008.34. ~~An Beginning with the 2013-2014 school year, each~~
735 ~~alternative school that chooses to receive a school improvement~~
736 ~~rating shall receive a school improvement rating if the number~~
737 ~~of its students for whom student performance data on statewide,~~
738 ~~standardized assessments pursuant to s. 1008.22 which is~~
739 ~~available for the current year and previous year meets or~~
740 ~~exceeds the minimum sample size of 10. If an alternative school~~
741 ~~does not have at least 10 students with complete data for a~~
742 ~~component listed in subsection (3), that component may not be~~
743 ~~used in calculating the school's improvement rating. The~~
744 ~~calculation of the school improvement rating shall be based on~~
745 ~~the percentage of points earned from the components listed in~~
746 ~~subsection (3). An alternative school that tests at least 80~~
747 ~~percent of its students may receive a school improvement rating.~~
748 ~~If an alternative school tests less than 90 percent of its~~
749 ~~students, the school may not earn a rating higher than~~
750 ~~"maintaining." Beginning with the 2016-2017 school year, if an~~
751 ~~alternative school does not meet the requirements for the~~
752 ~~issuance of a school improvement rating in the current year, and~~
753 ~~has failed to receive a school improvement rating for the prior~~
754 ~~2 consecutive years, the school shall receive a rating for the~~

576-03324-14

20141642c1

755 current year based upon a compilation of all student Learning
756 Gains, for all grade levels, for those 3 years. Likewise, if the
757 school fails to meet the requirements for a rating the following
758 year or any year thereafter, the school's rating shall be based
759 on a compilation of student Learning Gains achieved during the
760 current and prior 2 years. The school improvement rating shall
761 identify an alternative school as having one of the following
762 ratings defined according to rules of the State Board of
763 Education:

764 (a) "Commendable" ~~"Improving"~~ means a significant
765 percentage of the students attending the school are making
766 Learning Gains ~~more academic progress than when the students~~
767 ~~were served in their home schools.~~

768 (b) "Maintaining" means a sufficient percentage of the
769 students attending the school are making Learning Gains ~~progress~~
770 ~~equivalent to the progress made when the students were served in~~
771 ~~their home schools.~~

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

776

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

782 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student
783 Learning Gains ~~data used in determining an alternative school's~~

576-03324-14

20141642c1

784 ~~school improvement rating shall include:~~

785 ~~(a) student performance results~~ based on statewide,
786 standardized assessments, including retakes, administered under
787 s. 1008.22 for all eligible students who were assigned to and
788 enrolled in the school during the October or February FTE count
789 and who have assessment scores or comparable scores for the
790 preceding school year shall be used in determining an
791 alternative school's school improvement rating. An alternative
792 school's rating shall be based on the following components:

793 (a) The percentage of eligible students who make Learning
794 Gains in English Language Arts as measured by statewide,
795 standardized assessments under s. 1008.22(3).

796 (b) The percentage of eligible students who make Learning
797 Gains in mathematics as measured by statewide, standardized
798 assessments under s. 1008.22(3) ~~Student performance results~~
799 ~~based on statewide, standardized assessments, including retakes,~~
800 ~~administered under s. 1008.22 for all eligible students who were~~
801 ~~assigned to and enrolled in the school during the October or~~
802 ~~February FTE count and who have scored in the lowest 25th~~
803 ~~percentile of students in the state on FCAT Reading.~~

804
805 Student performance results of students who are subject to
806 district school board policies for expulsion for repeated or
807 serious offenses, who are in dropout retrieval programs serving
808 students who have officially been designated as dropouts, or who
809 are in programs operated or contracted by the Department of
810 Juvenile Justice may not be included in an alternative school's
811 school improvement rating.

812 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each

576-03324-14

20141642c1

813 alternative school receiving a school improvement rating, the
814 Department of Education shall annually identify the percentage
815 of students making Learning Gains consistent with the provisions
816 in s. 1008.34(3) ~~as compared to the percentage of the same~~
817 ~~students making learning gains in their home schools in the year~~
818 ~~prior to being assigned to the alternative school.~~

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

821 1008.3415 School grade or school improvement rating for
822 exceptional student education centers.—

823 (2) Notwithstanding s. 1008.34 ~~1008.34(3)(c)3.~~, the
824 achievement levels ~~scores~~ and Learning Gains of a student with a
825 disability who attends an exceptional student education center
826 and has not been enrolled in or attended a public school other
827 than an exceptional student education center for grades K-12
828 within the school district shall not be included in the
829 calculation of the home school's grade if the student is
830 identified as an emergent student on the alternate assessment
831 tool described in s. 1008.22(3)(c) ~~1008.22(3)(c)13.~~

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

836 (a) A permanent exemption from taking statewide,
837 standardized assessments to a student who, as determined by a
838 physician licensed pursuant to chapter 458, Florida Statutes, is
839 a "child with medical complexity." For purposes of this
840 paragraph, the term "child with medical complexity" means a
841 child who has medical fragility and intensive care needs due to

576-03324-14

20141642c1

842 a congenital or acquired multisystem disease, a severe
843 neurologic condition with marked functional impairment, or
844 technology dependent for activities of daily living.

845 (b) A one-year exemption from taking statewide,
846 standardized assessments to a student who suffers from such a
847 significant cognitive or physical disability that the student
848 temporarily lacks the capacity to take statewide, standardized
849 assessments.

850 (2) A parent may request that the student participate in
851 statewide, standardized assessments, including, but not limited
852 to, the Florida Alternate Assessment, during the term of the
853 exemption.

854 (3) The State Board of Education shall adopt rules to
855 administer this section, including, but not limited to,
856 expediting the exemption process to demonstrate the utmost
857 compassion and consideration for meeting the parent's and
858 student's needs, and establishing deadlines for the
859 superintendent to provide a recommendation to the commissioner.

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