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1	A bill to be entitled
2	An act relating to middle grades education; amending
3	s. 1001.42, F.S.; requiring a school that includes
4	certain grades to include information, data, and
5	instructional strategies in its school improvement
6	plan; requiring a school that includes certain grades
7	to implement an early warning system based on
8	indicators to identify students in need of additional
9	academic support; amending s. 1003.42, F.S.; providing
10	State Board of Education duties relating to middle
11	grades courses; amending s. 1003.4935, F.S.;
12	authorizing additional FTE funding for certain
13	industry certifications; amending s. 1003.53, F.S.;
14	authorizing dropout prevention and academic
15	intervention services for a student identified by a
16	school's early warning system; amending s. 1006.135,
17	F.S.; including middle grades schools under provisions
18	prohibiting hazing; revising the definition of the
19	term "hazing"; requiring a school district policy that
20	prohibits hazing and establishes consequences for an
21	act of hazing; revising penalty provisions and
22	providing for applicability; amending s. 1011.62,
23	F.S.; specifying requirements relating to additional
24	FTE funding based on completion of certain courses or
25	programs and issuance of industry certification;
26	deleting obsolete provisions; amending s. 1012.98,
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27 F.S.; providing requirements relating to professional 28 development, including inservice plans and instructional strategies, for middle grades educators; 29 30 requiring the Department of Education to disseminate 31 professional development in the use of integrated 32 digital instruction; providing an effective date. 33 34 Be It Enacted by the Legislature of the State of Florida: 35 36 Section 1. Subsection (18) of section 1001.42, Florida 37 Statutes, is amended to read: Powers and duties of district school board.-The 38 1001.42 39 district school board, acting as a board, shall exercise all powers and perform all duties listed below: 40 41 (18)IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.-42 Maintain a state system of school improvement and education 43 accountability as provided by statute and State Board of Education rule. This system of school improvement and education 44 45 accountability shall be consistent with, and implemented through, the district's continuing system of planning and 46 47 budgeting required by this section and ss. 1008.385, 1010.01, 48 and 1011.01. This system of school improvement and education 49 accountability shall comply with the provisions of ss. 1008.33, 50 1008.34, 1008.345, and 1008.385 and include the following: 51 (a) School improvement plans.-52 The district school board shall annually approve and 1. Page 2 of 20

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53 require implementation of a new, amended, or continuation school 54 improvement plan for each school in the district. If a school 55 has a significant gap in achievement on statewide assessments 56 pursuant to s. 1008.34(3)(b) by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act 57 58 (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly 59 decreased the percentage of students scoring below satisfactory 60 on statewide assessments; or has significantly lower graduation 61 rates for a subgroup when compared to the state's graduation rate, that school's improvement plan shall include strategies 62 63 for improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this 64 65 subparagraph paragraph.

66 2. A school that includes any of grades 6, 7, or 8 shall 67 include annually in its school improvement plan information and data on the school's early warning system required under 68 69 paragraph (b), including a list of the early warning indicators 70 used in the system, the number of students identified by the 71 system as exhibiting two or more early warning indicators, the 72 number of students by grade level that exhibit each indicator, 73 and a description of all intervention strategies employed by the 74 school to improve the academic performance of students 75 identified by the early warning system. In addition, a school 76 that includes any of grades 6, 7, or 8 shall describe in its 77 school improvement plan the strategies used by the school to 78 implement the instructional practices for middle grades Page 3 of 20

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79	emphasized by the district's professional development system
80	pursuant to s. 1012.98(4)(b)9.
81	(b) Early warning system
82	1. A school that includes any of grades 6, 7, or 8 shall
83	implement an early warning system to identify students in grades
84	6, 7, and 8 who need additional support to improve academic
85	performance and stay engaged in school. The early warning system
86	must include the following early warning indicators:
87	a. Attendance below 90 percent, regardless of whether
88	absence is excused or a result of out-of-school suspension.
89	b. One or more suspensions, whether in school or out of
90	school.
91	c. Course failure in English language arts or mathematics.
92	d. A Level 1 score on the statewide, standardized
93	assessments in English language arts or mathematics.
94	
95	A school district may identify additional early warning
96	indicators for use in a school's early warning system.
97	2. When a student exhibits two or more early warning
98	indicators, the school's child study team under s. 1003.02 or a
99	school-based team formed for the purpose of implementing the
100	requirements of this paragraph shall convene to determine
101	appropriate intervention strategies for the student. The school
102	shall provide at least 10 days' written notice of the meeting to
103	the student's parent, indicating the meeting's purpose, time,
104	and location, and provide the parent the opportunity to
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105 participate.

106 (c) (b) Public disclosure.-The district school board shall 107 provide information regarding the performance of students and 108 educational programs as required pursuant to ss. 1008.22 and 109 1008.385 and implement a system of school reports as required by 110 statute and State Board of Education rule which shall include 111 schools operating for the purpose of providing educational 112 services to youth in Department of Juvenile Justice programs, 113 and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an 114 115 easy-to-read report card format and shall include the school's grade, high school graduation rate calculated without GED tests, 116 disaggregated by student ethnicity, and performance data as 117 118 specified in state board rule.

119 <u>(d) (c)</u> School improvement funds.—The district school board 120 shall provide funds to schools for developing and implementing 121 school improvement plans. Such funds shall include those funds 122 appropriated for the purpose of school improvement pursuant to 123 s. 24.121(5)(c).

124 Section 2. Subsection (1) of section 1003.42, Florida 125 Statutes, is amended to read:

126

1003.42 Required instruction.-

127 (1) Each district school board shall provide all courses
 128 required for middle grades promotion, high school graduation,
 129 and appropriate instruction designed to ensure that students
 130 meet State Board of Education adopted standards in the following
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131 subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical 132 133 education, and the arts. The state board must remove a middle 134 grades course in the Course Code Directory that does not fully 135 integrate all appropriate curricular content required by s. 136 1003.41 and may approve a new course only if it meets the 137 required curricular content. Section 3. Subsection (4) is added to section 1003.4935, 138 139 Florida Statutes, to read: 1003.4935 Middle grades career and professional academy 140 courses and career-themed courses.-141 Industry certifications offered in the middle grades 142 (4) 143 that are included in the Industry Certification Funding List are 144 eligible for additional full-time equivalent membership pursuant 145 to s. 1011.62(1). Section 4. Paragraph (c) of subsection (1) of section 146 147 1003.53, Florida Statutes, is amended to read: 148 1003.53 Dropout prevention and academic intervention.-149 (1)150 A student shall be identified as being eligible to (C) receive services funded through the dropout prevention and 151 152 academic intervention program based upon one of the following 153 criteria: 154 1. The student is academically unsuccessful as evidenced 155 by low test scores, retention, failing grades, low grade point 156 average, falling behind in earning credits, or not meeting the Page 6 of 20

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157 state or district proficiency levels in reading, mathematics, or 158 writing.

159 2. The student has a pattern of excessive absenteeism or160 has been identified as a habitual truant.

161 3. The student has a history of disruptive behavior in 162 school or has committed an offense that warrants out-of-school 163 suspension or expulsion from school according to the district 164 school board's code of student conduct. For the purposes of this 165 program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the
educational process of others and requires attention and
assistance beyond that which the traditional program can provide
or results in frequent conflicts of a disruptive nature while
the student is under the jurisdiction of the school either in or
out of the classroom; or

b. Severely threatens the general welfare of students orothers with whom the student comes into contact.

174 <u>4. The student is identified by a school's early warning</u>
175 <u>system pursuant to s. 1001.42(18)(b).</u>

176 Section 5. Section 1006.135, Florida Statutes, is amended 177 to read:

178 1006.135 Hazing prohibited at high schools with any of
 179 grades 6-12 9-12 prohibited.-

(1) <u>DEFINITION.</u> As used in this section, "hazing" means
 any action or situation that recklessly or intentionally
 endangers the mental or physical health or safety of a student
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183 at a high school with any of grades 6 9 through 12 for purposes including, but not limited to, initiation or admission into or 184 185 affiliation with any organization operating under the sanction 186 of a high school with any of grades 6 9 through 12. "Hazing" 187 includes, but is not limited to: $\overline{\tau}$ 188 Pressuring, or coercing, or forcing a the student (a) 189 into: 190 1. Violating state or federal law; -Consuming any food, liquor, drug, or other substance; 191 2. 192 or 193 3. Participating in physical activity that could adversely 194 affect the health or safety of the student. 195 Any brutality of a physical nature, such as whipping, (b) 196 beating, branding, or exposure to the elements, forced 197 consumption of any food, liquor, drug, or other substance, or 198 other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any 199 200 activity that would subject the student to extreme mental 201 stress, such as sleep deprivation, forced exclusion from social 202 contact, forced conduct that could result in extreme 203 embarrassment, or other forced activity that could adversely 204 affect the mental health or dignity of the student. 205 206 Hazing does not include customary athletic events or other 207 similar contests or competitions or any activity or conduct that 208 furthers a legal and legitimate objective. Page 8 of 20

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209 (2) SCHOOL DISTRICT POLICY.-Each school district shall 210 adopt in rule a policy that prohibits hazing and establishes 211 consequences for a student who commits an act of hazing. The 212 policy must include: 213 (a) A definition of hazing, which must include the 214 definition provided in this section. 215 (b) A procedure for reporting an alleged act of hazing, 216 including provisions that permit a person to anonymously report such an act. However, disciplinary action may not be based 217 218 solely on an anonymous report. 219 (c) A requirement that a school with any of grades 9 220 through 12 report an alleged act of hazing to a local law 221 enforcement agency if the alleged act meets the criteria 222 established under subsection (3). 223 (d) A provision for referral of victims and perpetrators 224 of hazing to a certified school counselor. A requirement that each incident of hazing be reported 225 (e) 226 in the school's safety and discipline report required under s. 227 1006.09(6). The report must include the number of hazing 228 incidents reported, the number of incidents referred to a local 229 law enforcement agency, the number of incidents that result in 230 disciplinary action taken by the school, and the number of 231 incidents that do not result in either referral to a local law 232 enforcement agency or disciplinary action taken by the school. 233 (3) (2) CRIMINAL PENALTIES. - This subsection applies only to 234 students in any of grades 9 through 12. Page 9 of 20

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235 (a)1. A person who commits an act of hazing, a third 236 degree felony, punishable as provided in s. 775.082 or s. 237 775.083, when he or she intentionally or recklessly commits any 238 act of hazing as defined in subsection (1) upon another person 239 who is a member of or an applicant to any type of student 240 organization commits a third degree felony, punishable as provided in s. 775.082 or s. 775.083, if the person knew or 241 242 should have known the act would result in serious bodily injury 243 or death of such other person and the act hazing results in serious bodily injury or death of such other person. 244 2.(3) A person who commits an act of hazing, a first 245 246 degree misdemeanor, punishable as provided in s. 775.082 or s. 247 775.083, when he or she intentionally or recklessly commits any 248 act of hazing as defined in subsection (1) upon another person 249 who is a member of or an applicant to any type of student organization commits a first degree misdemeanor, punishable as 250 251 provided in s. 775.082 or s. 775.083, if the person knew or 252 should have known the act would create a potential risk of 253 physical injury or death to such other person and the act hazing 254 creates a potential substantial risk of physical injury or death 255 to such other person. 256 (b) (4) As a condition of any sentence imposed pursuant to 257 paragraph (a) subsection (2) or subsection (3), the court: 258 1. Shall order the defendant to attend and complete a 4-259 hour hazing education course and may also impose a condition of 260 drug or alcohol probation. Page 10 of 20

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2. May require the defendant to make a public apology to 261 262 the students and victims at the school. 263 3. May require the defendant to participate in a school-264 sponsored antihazing campaign to raise awareness of what constitutes hazing and the penalties for hazing. 265 266 (c) (5) It is not a defense to a charge of hazing that: 267 1.(a) Consent of the victim had been obtained; 268 2.(b) The conduct or activity that resulted in the death 269 or injury of a person was not part of an official organizational 270 event or was not otherwise sanctioned or approved by the organization; or 271 272 3.(c) The conduct or activity that resulted in death or 273 injury of the person was not done as a condition of membership 274 to an organization. 275 (4) (6) CONSTRUCTION.-This section shall not be construed 276 to preclude prosecution for a more general offense resulting 277 from the same criminal transaction or episode. 278 Section 6. Paragraph (o) of subsection (1) of section 279 1011.62, Florida Statutes, is amended to read: 280 1011.62 Funds for operation of schools.-If the annual 281 allocation from the Florida Education Finance Program to each 282 district for operation of schools is not determined in the 283 annual appropriations act or the substantive bill implementing 284 the annual appropriations act, it shall be determined as 285 follows: 286 (1)COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR Page 11 of 20

287 OPERATION.—The following procedure shall be followed in 288 determining the annual allocation to each district for 289 operation:

(o) Calculation of additional full-time equivalent membership based on successful completion of a career-themed course <u>or a career and professional academy program</u>, pursuant to ss. 1003.491, 1003.492, <u>and 1003.493</u>, <u>and 1003.4935</u>, and issuance of industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education.-

1. A value of 0.1 or 0.2 full-time equivalent student 297 298 membership shall be calculated for each student who completes a 299 career-themed course, as defined in s. 1003.493(1)(b), or a 300 career and professional academy or career-themed course, 301 pursuant to ss. 1003.491, 1003.492, 1003.493, and 1003.4935, and 302 who is issued the highest level of an industry certification 303 identified annually in the Industry Certification Funding List 304 approved under rules adopted by the State Board of Education 305 upon completion of grade 8 pursuant to subparagraph 2. or upon 306 earning a high school diploma. The maximum full-time equivalent 307 student membership value for any student in grades 9 through 12 is 0.3. A value of 0.2 full-time equivalent membership shall be 308 309 calculated for each student who is issued an industry 310 certification that has a statewide articulation agreement for 311 college credit approved by the State Board of Education. For 312 industry certifications that do not articulate for college Page 12 of 20

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313 credit, the Department of Education shall assign a full-time 314 equivalent value of 0.1 for each certification. The State Board 315 of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state 316 317 board. Such value shall be added to the total full-time 318 equivalent student membership in secondary career education 319 programs for grades 9 through 12 in the subsequent year for 320 courses that were not provided through dual enrollment. Industry 321 certifications earned through dual enrollment must be reported and funded pursuant to ss. 1011.80 and 1011.81. 322

323 <u>2. Upon completion of grade 8, a value of 0.1 full-time</u> 324 <u>equivalent student membership shall be calculated for each</u> 325 <u>student who completes a career-themed course or a career and</u> 326 <u>professional academy course under s. 1003.4935 and who is issued</u> 327 <u>the highest level of industry certification identified in the</u> 328 <u>Industry Certification Funding List under rules adopted by the</u> 329 <u>state board.</u>

330 3.2. Each district must allocate at least 80 percent of 331 the funds provided for industry certification, in accordance 332 with this paragraph, to the program that generated the funds. 333 This allocation may not be used to supplant funds provided for basic operation of the program. Unless a different amount is 334 335 specified in the General Appropriations Act, the appropriation 336 for this calculation is limited to \$60 million annually. If the 337 appropriation is insufficient to fully fund the total 338 calculation, the appropriation shall be prorated.

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339 <u>4.3.</u> For industry certifications earned in the 2013-2014 340 school year and in subsequent years, the school district shall 341 distribute to each classroom teacher who provided direct 342 instruction toward the attainment of an industry certification 343 that qualified for additional full-time equivalent membership 344 under subparagraph 1. <u>or subparagraph 2.</u>:

a. A bonus in the amount of \$25 for each student taught by
a teacher who provided instruction in a course that led to the
attainment of an industry certification on the Industry
Certification Funding List with a weight of 0.1.

b. A bonus in the amount of \$50 for each student taught by
a teacher who provided instruction in a course that led to the
attainment of an industry certification on the Industry
Certification Funding List with a weight of 0.2.

353 4. For the 2013-2014 fiscal year, the additional FTE 354 membership calculation must include the additional FTE for any 355 student who earned a certification in the 2009-2010, 2010-2011, 356 and 2011-2012 fiscal years who was not previously funded and was 357 enrolled in 2012-2013.

358

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of an industry certification on the Industry Certification Funding List for the year in which the

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365 certification is earned by the student. Any bonus awarded to a 366 teacher under this paragraph may not exceed \$2,000 in any given 367 school year and is in addition to any regular wage or other 368 bonus the teacher received or is scheduled to receive.

369 Section 7. Paragraph (d) is added to subsection (3) of 370 section 1012.98, Florida Statutes, and subsections (4) and (7) 371 of that section are amended, to read:

372

1012.98 School Community Professional Development Act.-373 The activities designed to implement this section (3) 374 must:

(d) 375 Provide middle grades instructional personnel and 376 school administrators with the knowledge, skills, and best 377 practices necessary to support excellence in classroom 378 instruction and educational leadership.

379 (4) The Department of Education, school districts, 380 schools, Florida College System institutions, and state 381 universities share the responsibilities described in this 382 section. These responsibilities include the following:

383 (a)1. The department shall disseminate to the school 384 community research-based professional development methods and 385 programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on 386 387 student achievement to identify student needs. The methods of 388 dissemination must include a web-based statewide performance 389 support system, including a database of exemplary professional 390 development activities, a listing of available professional

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391 development resources, training programs, and available 392 assistance.

393 <u>2. The web-based statewide performance support system</u> 394 <u>established pursuant to subparagraph 1. must include for middle</u> 395 <u>grades, subject to appropriation, materials related to classroom</u> 396 <u>instruction, including integrated digital instruction and</u> 397 <u>competency-based instruction; classroom management; student</u> 398 <u>behavior and interaction; extended learning opportunities for</u> 399 students; and instructional leadership.

(b) Each school district shall develop a professional
development system as specified in subsection (3). The system
shall be developed in consultation with teachers, teachereducators of Florida College System institutions and state
universities, business and community representatives, and local
education foundations, consortia, and professional
organizations. The professional development system must:

407 1. Be approved by the department. All substantial
408 revisions to the system shall be submitted to the department for
409 review for continued approval.

410 2. Be based on analyses of student achievement data and 411 instructional strategies and methods that support rigorous, 412 relevant, and challenging curricula for all students. Schools 413 and districts, in developing and refining the professional 414 development system, shall also review and monitor school 415 discipline data; school environment surveys; assessments of 416 parental satisfaction; performance appraisal data of teachers,

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417 managers, and administrative personnel; and other performance 418 indicators to identify school and student needs that can be met 419 by improved professional performance.

420 Provide inservice activities coupled with followup 3. 421 support appropriate to accomplish district-level and school-422 level improvement goals and standards. The inservice activities 423 for instructional personnel shall focus on analysis of student 424 achievement data, ongoing formal and informal assessments of 425 student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, 426 427 relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom 428 429 technology that enhances teaching and learning, classroom 430 management, parent involvement, and school safety.

431 4. Include a master plan for inservice activities, 432 pursuant to rules of the State Board of Education, for all 433 district employees from all fund sources. The master plan shall 434 be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must 435 436 use the latest available student achievement data and research 437 to enhance rigor and relevance in the classroom. Each district 438 inservice plan must be aligned to and support the school-based 439 inservice plans and school improvement plans pursuant to s. 440 1001.42(18). Each district inservice plan must provide a 441 description of the training that middle grades instructional 442 personnel and school administrators receive on the district's

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443 code of student conduct adopted pursuant to s. 1006.07; 444 integrated digital instruction and competency-based instruction; 445 classroom management; student behavior and interaction; extended 446 learning opportunities for students; and instructional 447 leadership. District plans must be approved by the district 448 school board annually in order to ensure compliance with 449 subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must 450 451 submit verification of their approval to the Commissioner of 452 Education no later than October 1, annually. Each school principal may establish and maintain an individual professional 453 454 development plan for each instructional employee assigned to the 455 school as a seamless component to the school improvement plans 456 developed pursuant to s. 1001.42(18). An individual professional 457 development plan must be related to specific performance data 458 for the students to whom the teacher is assigned, define the 459 inservice objectives and specific measurable improvements 460 expected in student performance as a result of the inservice 461 activity, and include an evaluation component that determines the effectiveness of the professional development plan. 462

5. Include inservice activities for school administrative
personnel that address updated skills necessary for
instructional leadership and effective school management
pursuant to s. 1012.986.

467 6. Provide for systematic consultation with regional and
 468 state personnel designated to provide technical assistance and
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469	evaluation of local professional development programs.
470	7. Provide for delivery of professional development by
471	distance learning and other technology-based delivery systems to
472	reach more educators at lower costs.
473	8. Provide for the continuous evaluation of the quality
474	and effectiveness of professional development programs in order
475	to eliminate ineffective programs and strategies and to expand
476	effective ones. Evaluations must consider the impact of such
477	activities on the performance of participating educators and
478	their students' achievement and behavior.
479	9. For middle grades, emphasize:
480	a. Interdisciplinary planning, collaboration, and
481	instruction.
482	b. Alignment of curriculum and instructional materials to
483	the state academic standards adopted pursuant to s. 1003.41.
484	c. Use of small learning communities; problem-solving,
485	inquiry-driven research and analytical approaches for students;
486	strategies and tools based on student needs; competency-based
487	instruction; integrated digital instruction; and project-based
488	instruction.
489	
490	Each school that includes any of grades 6, 7, or 8 must include
491	in its school improvement plan, required under s. 1001.42(18), a
492	description of the specific strategies used by the school to
493	implement each item listed in this subparagraph.
494	(7) (a) The Department of Education shall disseminate,
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495 using web-based technology, research-based best practice methods 496 by which the state and district school boards may evaluate and 497 improve the professional development system. The best practices 498 must include data that indicate the progress of all students. 499 The department shall report annually to the State Board of 500 Education and the Legislature any school district that, in the 501 determination of the department, has failed to provide an 502 adequate professional development system. This report must 503 include the results of the department's investigation and of any 504 intervention provided.

505 The department shall also disseminate, using web-based (b) technology, professional development in the use of integrated 506 507 digital instruction at schools that include middle grades. The 508 professional development must provide training and materials 509 that districts can use to provide instructional personnel with the necessary knowledge, skills, and strategies to effectively 510 511 blend digital instruction into subject-matter curricula. The 512 professional development must emphasize online learning and 513 research techniques, reading instruction, the use of digital 514 devices to supplement the delivery of curricular content to 515 students, and digital device management and security. Districts 516 are encouraged to incorporate the professional development as 517 part of their professional development system. 518 Section 8. This act shall take effect July 1, 2014.

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