

**STORAGE NAME:** h0751s1a.ed

**DATE:** March 16, 1999

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
EDUCATION APPROPRIATIONS  
ANALYSIS**

**BILL #:** CS/HBs 751, 753, and 755

**RELATING TO:** A High-Quality Education System

**SPONSOR(S):** Select Committee on Transforming Florida Schools and Representatives Diaz de la Portilla, Lynn, Melvin and Others

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TRANSFORMING FLORIDA SCHOOLS YEAS 16 NAYS 8
- (2) EDUCATION APPROPRIATIONS YEAS 9 NAYS 5
- (3)
- (4)
- (5)

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I. SUMMARY:

**Educational Accountability**

The CS addresses issues concerning educational accountability, including the following:

- Shortened time frame for the SBE to intervene in districts which have failing schools.
- Opportunity Scholarship Program for students in failing schools to attend a higher performing public school within the district or in an adjacent district, or an eligible private school, sectarian or nonsectarian, of their choosing.
- Student assessment program which measures annual learning gains of each student and provides data for school accountability and recognition decision making.
- School grades and improvement ratings to identify a school's level of performance and improvement.
- Rewards/incentives for high achieving or improving schools.
- Supplemental Academic Instruction Categorical Fund to provide supplemental academic instruction.

The estimated cost for expanding the statewide student assessment program is \$18.3 million. Funding for the Supplemental Academic Instruction Categorical is subject to legislative appropriation. The Governor's budget recommends \$313 million for this fund for 1999-2000. The Opportunity Scholarship Program is revenue neutral to the State, as the appropriated education dollars follow the student.

**Teacher Quality**

The CS addresses issues concerning teacher quality, including the following:

- Requirements and penalties for performance pay.
- Increased certification requirements for instructional personnel.
- Annual teacher assessment procedures including criteria for student performance.
- School Community Professional Development Act system to require use of student achievement and school discipline data, surveys, and parental satisfaction assessments.
- Professional development academies for development of professional educators.

The Governor's budget recommends \$6 million for professional development activities to implement the Professional Development Academies.

**School Safety and Truancy Reduction**

The CS addresses issues concerning school safety, including the following:

- Safety and discipline strategies that must be included in the school improvement plan.
- Expansion of the use of dropout prevention funds to grades 1 through 3.
- Expansion of compulsory school attendance age to 5 years.
- Three county pilot programs to raise the compulsory school attendance age to 18 years.
- Adjustment of FTE membership by an average daily attendance factor.
- New truancy procedures.

The estimated cost to expand the compulsory school attendance age to 5 years is \$23.8 million. The estimated cost for the 3 county pilot program is \$6.6 million. The fiscal estimate on operating costs for new second chance school grants is indeterminate at this time. Funding for the 1 year startup grants for

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second chance schools is subject to legislative appropriation. The Governor's budget recommends \$2 million for 1999-2000.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

**See the Section-by-Section analysis.**

B. EFFECT OF PROPOSED CHANGES:

**See the Section-by-Section analysis.**

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill authorizes the State Board of Education (SBE) to adopt rules to do the following: implement the Opportunity Scholarship Program, allow a certificate holder to add an area of certification, allow the use of an alternative method of demonstrating mastery of general knowledge, and adopt minimum competencies for positions which require certificates. However, the rulemaking authority is restricted. The bill also restricts other areas of rulemaking authority that had formerly been broadly granted.

DOE must adopt rules to administer the startup grants for second chance schools.

School boards are granted authority to adopt rules regarding the duties of instructional staff to help students meet achievement standards.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

School districts are required to notify and offer options to parents of students who qualify for Opportunity Scholarships. Districts must also report Opportunity Scholarship students separately from those students reported in the FEFP. Students and parents or guardians of students who qualify for Opportunity Scholarships are required to comply with attendance and participation requirements outlined in the bill.

DOE is required to review provisions related to teacher certification.

OPPAGA, in consultation with DOE, must conduct a comprehensive review of the Management Training Act.

A new statewide system of inservice professional development is established.

The Education Standards Commission must recommend high standards to the SBE.

School boards must adopt and implement a performance-pay policy.

School principals must provide training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.

District superintendents are responsible for enforcement of school attendance. They are provided with new truancy procedures, and must also give written notice to parents when criminal prosecution is being sought for nonattendance. Dropout prevention programs are required to include character development and law education. Students in second chance schools will be required to complete a character education program before reentering a regular school setting.

Five year olds are required to attend school.

- (3) any entitlement to a government service or benefit?

Yes, the bill represents a covenant that no student be compelled against the wishes of the parent or guardian to remain in a failing school. Upon the choice of such parent or guardian, the student is entitled to attend a higher performing public school or to receive an Opportunity Scholarship.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The bill eliminates the Florida Commission on Education Reform and Accountability. The Commissioner of Education (Commissioner) will make recommendations to the Legislature for any changes in state policy necessary to foster school improvement and educational accountability.

The bill also provides for review and repeal of the Management Training Act and provides for a new statewide system of inservice professional development, established through collaborative efforts between education and business.

- (2) what is the cost of such responsibility at the new level/agency?

There will be a savings of \$381,000 to the State resulting from the elimination of 4 staffing positions and travel expenses for the Commission.

The new professional development academies must be self-supporting through fees and private donations.

- (3) how is the new agency accountable to the people governed?

For the next four years, the Commissioner is directly accountable to the people of the State of Florida because he is an elected official. Beginning in the fall of 2002, this Office becomes an appointed position and is accountable to the Governor.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes, parents of eligible children who choose to send their child to a higher performing public school in an adjacent district must provide the transportation costs of that child.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Parents or guardians of students who are enrolled in or assigned to a public school that has had two years of low performance may choose to send their child to a higher performing public school within the district or in an adjacent district, or the parent or guardian may use an Opportunity Scholarship to send their child to an eligible Florida private school, sectarian or nonsectarian, of their choosing.

Teachers will be able to enhance their professionalism through the new professional development academies. Principals and superintendents will have more authority over discipline and attendance.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes, the State is requiring mandatory school attendance for five year olds and establishing pilot programs for mandatory school attendance until 18 years old.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

*Opportunity Scholarship Program.*

The parent or guardian of an eligible student determines which eligible educational program, public or private, best meets the needs of their child.

*Contact, Referral and Enforcement of School Attendance*

The bill provides for determination of development of early truancy patterns in students. The child study team (team) meets with the parent to identify potential remedies to the pattern of nonattendance. Parents may appeal to the school board if they believe the strategies are unnecessary or inappropriate. Although a hearing officer may make recommendations to the school board, the school board makes the final determination.

The superintendent may seek criminal prosecution for noncompliance with compulsory school attendance. If the parent reports to the team that the child is ungovernable and will not comply, the superintendent must file a child-in-need-of-services (CINS) petition or family-in-need-of-services (FINS) petition seeking services and a court order for school attendance. If a child has 15 unexcused absences in 90 calendar days or fails to enroll in school, the State Attorney must file a CINS petition unless an alternative placement is preferable.

- (2) Who makes the decisions?

*Opportunity Scholarship Program*

The parent or guardian of the eligible student decides which eligible educational program, public or private, the child will attend.

*Contact, Referral and Enforcement of School Attendance*

The child study team meets with the parent to identify potential remedies to the pattern of nonattendance. Parents may appeal to the school board if they believe the strategies are unnecessary or inappropriate. The superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

- (3) Are private alternatives permitted?

*Opportunity Scholarship Program*

Yes, private schools, sectarian or nonsectarian, are eligible to participate in the Opportunity Scholarship Program.

- (4) Are families required to participate in a program?

*Opportunity Scholarship Program*

No, the program is limited to only those students who are enrolled in or assigned to a public school that has failed to make adequate progress for two years within a four year period. Once students are eligible for the program, their parent or guardian decides *if* they wish to participate.

*Contact, Referral and Enforcement of School Attendance*

The child study team meets with the parent to identify potential remedies to the pattern of nonattendance. Parents may appeal to the school board if they believe the strategies are unnecessary or inappropriate.

- (5) Are families penalized for not participating in a program?

*Opportunity Scholarship Program*

No.

*Contact, Referral and Enforcement of School Attendance*

The superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

Parents and guardians of students eligible for the Opportunity Scholarship Program determine where their child will attend school.

- (2) service providers?

Private schools have the option of participating in the Opportunity Scholarship Program.

- (3) government employees/agencies?

Public schools have the ability of retaining students in their program by ensuring that students enrolled in their schools make adequate progress.

**D. STATUTE(S) AFFECTED:**

*Amends* ss. 20.15, 229.0535, 229.512, 229.555, 229.565, 229.57, 229.58, 229.591, 229.592, 229.595, 230.23, 231.29, 231.2905, 232.245, 228.053, 228.054, 228.056, 233.17, 236.013, 236.685, 239.101, 239.229, 240.529, 24.121, 231.02, 231.0861, 231.085, 231.087, 231.09, 231.096, 231.145, 231.15, 231.17, 231.1725, 231.174, 231.546, 231.600, 230.2316, 231.085, 232.01, 232.17, 232.19, 236.081 and 984.03, F.S.

*Repeals* ss. 229.593, 229.594, and 231.601, F.S.

*Reenacts* ss. 24.121, 120.81, 228.056, 228.0565, 228.301, 229.551, 230.03, 230.2316, 231.24, 231.36, 232.2454, 232.246, 232.248, 232.2481, 233.09, 233.165, 233.25, 236.08106, 236.685, 239.101, 239.229, 240.118, and 240.529, F.S. to incorporate cross references.

*Creates* ss. 229.0537, 236.08104, 231.002, 231.6135, 232.001, and 984.151, F.S.

**E. SECTION-BY-SECTION ANALYSIS:**

**Section 1: Authority to Enforce School Improvement** (Amends s. 229.0535, F.S.)

CURRENT SITUATION:

The SBE has the authority to intervene in the operation of a school district when one or more schools in the district have failed to make adequate progress for 3 consecutive school years. The SBE is authorized to recommend several actions to school boards to ensure that students in low performing districts are well served. One of those recommendations is to allow parents of students in the low performing school to send their child to another district school of their choice.

There are only 4 schools in Florida that are currently identified as critically low performing based on both 1996-97 and 1997-98 school performance data and state board-adopted criteria: They are as follows: Spencer Bibb Elementary School and A.A. Dixon Elementary School in Escambia County, Shanks High School in Gadsden County, and Orlo Vista Elementary School in Orange County.

EFFECT OF PROPOSED CHANGES:

The bill revises intervention authority by providing that the SBE **must** intervene in the operation of a school district when one or more schools in the district have failed to make adequate progress for **any 2** school years in a 4-year period. The SBE must provide rewards and sanctions based on performance.

This section also adds SBE consideration of whether or not the students in the failing school have available options for improved educational services, and deletes provisions for public school choice to conform to the choice offerings created in section 2 of the bill.

**Section 2: School Choice / Opportunity Scholarship Program** (Creates s. 229.0537, F.S.)

CURRENT SITUATION:

There are programs in place within the State which provide public dollars for payment of educational services provided by private entities:

- Florida Resident Access Grant (FRAG) established in s. 240.605, F.S., provides annual access grants to students to attend an independent nonprofit college or university.
- Section 230.23161(8), F.S., authorizes and strongly encourages school districts to contract with a private provider for the provision of educational programs to youths placed with the Department of Juvenile Justice (DJJ). Recent survey results indicate that private providers account for 37% of the educational services delivered to students in juvenile justice facilities.

Section 228.057, F.S., provides for the public school parental choice program. This program requires each school board to develop a controlled open enrollment program in addition to existing choice programs such as magnet schools, alternative schools, special programs, advanced placement, and dual enrollment. The school district's public school parental choice plan must include a process that allows parents to declare school preferences, a process that encourages

placement of siblings within the same school, a lottery procedure to determine school assignment, availability of transportation, and a process that promotes strong parental involvement.

### **Private Schools**

Private elementary and secondary schools in Florida are not licensed, approved, accredited or regulated by the state, but, they are required to make their existence known to the Department of Education (DOE) and respond to an annual survey designed to make information about them available to the public. Each person who establishes, purchases or otherwise becomes an owner of a private school must, within 5 days of assuming ownership, file with the Florida Department of Law Enforcement (FDLE), a complete set of fingerprints for a criminal background check. The owner of a private school may require school employees to file a complete set of fingerprints with FDLE.

In the 1997-98 school year there were 1,607 known private schools of which 19 were specific exceptionalty schools; 925 were K-8 elementary schools; 112 were 9-12 secondary schools; and 551 were K-12 schools.

Private schools may be accredited by one of several accrediting associations, such as Southern Association of Colleges and Schools (SACS), Florida Catholic Conference (FCC), or Florida Association of Christian Colleges & Schools (FACCS). These accrediting associations have required standards in several areas like the following: admission policies, financial status, salaries and working conditions, record keeping, transportation, length of school year, school size, class size, teacher training and experience, physical plant and equipment, academic programs and media, standardized testing and assessment, health and safety, and discipline.

### **Relevant Constitutional Provisions**

#### The First Amendment to the Constitution of the United States

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."*

#### Article I, Section 3 of the Constitution of the State of Florida

*"There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution."*

#### Article IX, Section 1 of the Constitution of the State of Florida

*"The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require."*

### **Relevant Case Law**

1947: In *Everson v. Board of Education* the U.S. Supreme Court held that a state may reimburse parents for the cost of transporting their children to and from religious schools.

1972: In AGO72-246, the Florida Attorney General determined that the Duval County School Board could provide instructional materials purchased solely with school district funds to private or parochial schools for the benefit of their students without violating Article I, Section 3 of the Florida Constitution.

1993: In *Zobrest v. Catalina Foothills School District* the U.S. Supreme Court held that the state should provide a sign-language interpreter to a deaf student attending a Catholic high school.

1997: In *Agostini v. Felton* the U.S. Supreme Court upheld a federally funded program to provide remedial instruction by public school teachers at religious schools.



1998: In June of 1998 the Wisconsin Supreme Court upheld the nation's first private school choice program against legal challenge (*Jackson v. Benson*, Wisc. S.Ct. #97-0270). In November of 1998 the United States Supreme Court declined to review the Wisconsin Supreme Court decision. Wisconsin's private school choice plan was challenged on a number of constitutional grounds:

Establishment Clause of the U.S. Constitution:

The court held the plan did not violate the Establishment Clause "because it has a secular purpose, it will not have the primary effect of advancing religion, and it will not lead to excessive entanglement between the State and participating sectarian private schools." The court noted that "eligibility . . . is determined by neutral, secular criteria that neither favor nor disfavor religion, and aid is made available to both religious and secular beneficiaries on a nondiscriminatory basis," that the plan "places on equal footing options of public and private school choice, and vests power in the hands of parents to choose where to direct the funds allocated for their children's benefit." The court found no excessive entanglement because "the program does not involve the State in any way with the (private) schools' governance, curriculum, or day-to-day affairs. The State's regulation of participating private schools, while designed to ensure that the program's educational purposes are fulfilled, does not approach the level of constitutionally impermissible involvement."

Wisconsin Uniformity Clause:

Responding to arguments that the legislature was prohibited from spending public education funds for private education purposes, the court held that while the uniformity clause "requires the legislature to provide the opportunity for all children in Wisconsin to receive a free uniform basic education," this "provides not a ceiling but a floor upon which the legislature can build additional opportunities for school children in Wisconsin."

Wisconsin Public Purpose Doctrine:

The court held that "education constitutes a valid public purpose (and) that private schools may be employed to further that purpose." The court concluded that "the statutory controls applicable to private schools coupled with parental choice sufficed to ensure that the public purpose was met."

Federal and State Equal Protection Rights:

Pointing out that all participating private schools must comply with federal antidiscrimination provisions and are required to select students on a random basis, the court held that "on its face, the (plan) is race-neutral . . . it allows a group of students, chosen without regard to race, to attend schools of their choice."

EFFECT OF PROPOSED CHANGES:

The Opportunity Scholarship Program is created. The bill provides for Opportunity Scholarship eligibility, school district obligations, private school eligibility, program participation obligation, funding and payment, liability, and rulemaking.

*Opportunity Scholarship Eligibility*

A public school student's parent or guardian may request an opportunity scholarship for the child to attend a private school, according to the following provisions:

- the student has spent the prior school year at a public school that has been designated "F," and that school has had 2 school years in any 4-year period of low performance; or the student has been assigned to such school for the next school year.
- the student is a Florida resident.
- the student has obtained acceptance in a private school eligible for the program, and the parent has notified the school district requesting an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

The opportunity to continue attending a private school remains in force until the student graduates from high school or reenters the public school system. However, the student's parent or guardian may choose to return the student to an eligible public school upon reasonable notice to the department.

*School District Obligations*

For each student enrolled in or assigned to a school designated "F" for two school years within a 4-year period, the school district must do the following:

- timely notify the student's parent or guardian of all options, and
- offer the student's parent or guardian an opportunity to enroll the child in a public school within the district closest to the student's residence designated a performance grade category "C" or higher.

The opportunity to continue attending a higher performing public school remains in force until the student graduates from high school.

If a parent or guardian of an eligible child chooses to enroll *and* transport the student to a higher performing public school that has available space in an adjacent school district, that adjacent district must accept and report the student for purposes of funding in the Florida Education Finance Program (FEFP).

The school district must provide locations and times for students participating in the Opportunity Scholarship Program to take all required statewide assessments.

Students with special needs who are eligible to receive services from the state or school district, and who participate in this program, remain eligible to receive services from the state or school district as provided by federal or state law.

School districts are responsible for transportation costs of students whose parents or guardians choose to enroll their child in a higher performing public school within the district. The district may use state categorical transportation funds or public school choice incentive funds for this purpose.

#### *Private School Eligibility*

To be eligible to participate in the Opportunity Scholarship Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must do the following:

- Except for the first year of implementation, notify DOE and local school district of its intent to participate in the Opportunity Scholarship Program by May 1 of the school year proceeding the school year in which it intends to participate. The notice must specify the grade levels and services available for the program.
- Comply with federal antidiscrimination provisions.
- Meet state and local health and safety laws and codes.
- Determine, on a random and religious-neutral basis, which Opportunity Scholarship students to accept. (Preference may be given to siblings of students already accepted under the program).
- Be subject to instruction, curriculum, and attendance criteria adopted by a nonpublic accrediting body and be academically accountable to the parent or guardian as meeting the educational needs of the student. Upon the request of the parent or guardian, the private school must furnish a school profile which includes student performance information.
- Comply with all state statutes relating to private schools.
- Accept the Opportunity Scholarship amount provided by the state as full tuition and fees for each student.
- Agree not to compel any Opportunity Scholarship student to profess a specific ideological belief, to pray, or to worship.

#### *Obligation of Program Participation*

In order for a student to remain eligible in the Opportunity Scholarship Program, all of the following provisions must be met:

- The student must remain in attendance throughout the school year, unless excused by the school for illness or good cause.
- The student must comply fully with the school's code of conduct.
- The student's parent or guardian must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or good cause.
- The student's parent or guardian must ensure that the student takes all required statewide assessments. The student may take the required tests at a location and time provided by the school district.

#### *Opportunity Scholarship Funding and Payment*

The *maximum* Opportunity Scholarship granted is equivalent to the base student allocation multiplied by the weighted cost factor for the educational program provided for the student multiplied by the district cost differential. In addition, the calculated amount must include the per student share of instructional

materials, technology, and other categorical funds as provided for the scholarships in the General Appropriations Act.

The *amount* of the Opportunity Scholarship that a parent receives will be the calculated amount described above or the amount of the private school's tuition and fees, whichever is less. (Eligible fees include textbook fees, lab fees, and other related instructional fees, including transportation).

The school district must report all students attending a private school under this program separately from those students reported for purposes of the FEFP.

Following annual notification on July 1 of the number of participants from each district, DOE must transfer from the school districts' appropriated funds the calculated amount from the FEFP and authorized categorical accounts for each participant to a separate account for the Opportunity Scholarship Program.

The Comptroller must make Opportunity Scholarship payments in four equal amounts no later than August 1, November 1, February 1, and April 1 of each school year. Payments must be made to the student's parent or guardian and are subject to verification of admission acceptance or continued enrollment and attendance of the student at the private school. The warrant will be sent directly to the private school and restrictively endorsed by the parent to the private school.

#### *Liability*

No liability will arise on the part of the state based on any grant or use of an Opportunity Scholarship.

#### *Rulemaking*

The SBE may adopt rules to implement the Opportunity Scholarship Program. These rules must include penalties for noncompliance of the school district obligations and the program participant obligations.

The regulatory authority of the state, its officers or any school district to impose additional regulation of private schools beyond those reasonably necessary to enforce requirements of the Opportunity Scholarship Program is *not* expanded.

### **Section 3: Authority of the Commissioner** (Amends s. 229.512(14), (15), (16), and (17), F.S.)

The bill revises provisions relating to the authority of the Commissioner to do the following:

- Implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school.
- Provide that the Commissioner *annually* prepare and publish reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

### **Section 4: Educational Planning and Information Systems** (Amends s. 299.555, F.S.)

This section enhances the comprehensive management information system to clarify that the system must be able to collect, via electronic transfer, all student and school performance data and produce a comprehensive annual report on school and district performance.

### **Section 5: Educational Evaluation Procedures** (Amends s. 229.565(1), F.S.)

This section requires the SBE to approve student performance standards in key academic subject areas and grade levels, and eliminates the requirement that the Commissioner designate program categories and grade levels for which performance standards are to be approved.

### **Section 6: Student Assessment Program** (Amends s. 229.57, F.S.)

#### CURRENT SITUATION:

The primary purpose of the statewide assessment program is to provide information needed for the improvement of public schools. The program must be designed to do the following:

- Identify the educational strengths and needs of the student.
- Assess how well educational goals and performance standards are met at the school, district, and state levels.
- Provide information to aid in the evaluation and development of educational programs and policies.

#### *Statewide Assessment Program*

The student achievement testing program must be administered at designated times at the elementary, middle, and high school levels to measure proficiency in reading, writing, mathematics, and other content areas. The tests are criterion-referenced.

The testing program is designed so that all 11th grade students take the high school competency test (HSCT). A student must earn a passing score or have been exempted from each part of this test in order to qualify for a regular high school diploma.

#### *District Testing Programs*

Each district administers a nationally normed test in grades 4 and 8.

#### *School Testing Programs*

Public schools administering achievement tests must prepare an analysis of the resultant data after each test administration.

#### *Annual Reports*

The Commissioner prepares annual reports which must include the descriptions of the performance of students at both low levels and exemplary levels, as well as the performance of students scoring in the middle 50 percent of the test population.

#### *School Performance*

Pursuant to ss. 299.053, 229.0535, and 229.592, F.S., State Board rule 6A-1.09981 adopted in November of 1998, outlines a classification system for schools based on School Performance Levels. There are 5 School Performance Levels: School Performance Level 1 being the lowest performing designation and School Performance Level 5 being the highest performing designation.

Implementation and bases for the school performance levels are as follows:

- In the fall of 1999, school performance levels will be based on 1997-98 student achievement data including students' HSCT scores, Florida Writes! scores, and norm-referenced assessment scores.
- In the fall of 2000, school performance levels will be based on 1998-99 and 1999-2000 assessment criteria, a combination of students' FCAT scores and other appropriate performance data, including, but not limited to: attendance and dropout rates, school discipline data, and student readiness for college.

#### EFFECT OF PROPOSED CHANGES:

The primary purposes of the statewide assessment program are expanded to: 1) provide information needed to improve the public schools by maximizing student learning gains, and 2) *inform parents* of the educational progress of their children.

The student assessment program must be designed to do the following *in addition* to the items referenced in the current situation:

- Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.
- Provide data for making decisions regarding school accountability and recognition.
- Identify the educational strengths and needs of students and the readiness of students to be promoted or to graduate with a standard high school diploma.
- Provide information on the performance of Florida's students compared with others across the United States.

#### *Statewide Assessment Program*

The student achievement testing program of the statewide assessment program must be administered **annually in grades 3 through 10** to measure student proficiency in reading, writing, mathematics, and other content areas. The tests are to be a combination of *norm-referenced* and criterion-referenced material.

Students enrolling in 9th grade in the fall of 1999 and thereafter must earn a passing score on the 10th grade FCAT instead of the HSCT. The passing score on the 10th grade FCAT will be designated by the SBE. The SBE must consider any possible negative impact of the test on minority students.

School districts must provide instruction to prepare students for successful grade-to-grade progression and high school graduation. The Commissioner must conduct studies to verify that these required skills and competencies are part of the school district's instructional programs.

#### *District Testing Programs*

All school districts must participate in the state assessment system which requires the annual testing of children in grades 3 through 10 and is designed to measure annual student learning and school performance. The districts must also report assessment results as required by the enhanced management information system.

#### *School Testing Programs*

Student performance data must be used in developing objectives of the school improvement plan, evaluation of instructional and administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, and promotion and assignment of students into educational programs.

#### *Annual Reports*

The Commissioner must prepare annual reports that include the descriptions of the performance of all schools participating in the assessment program, including their *major student populations*. The reports must also include the median scores of all students who scored *at or in the lowest 25th percentile* of the state in the prior school year.

#### **School Performance Grade Categories**

School Performance Grade Category Designations ("school grade") are created. Beginning with the 1998-99 school year, the annual report must identify schools as being in one of the following grade categories, as defined by SBE rule:

- "A," schools making excellent progress.
- "B," schools making above average progress.
- "C," schools making satisfactory progress.
- "D," schools making less than satisfactory progress.
- "F," schools failing to make adequate progress.

The timeframes for the school grades are based on one school year of performance. Implementation and bases for the school grades are as follows:

- In the 1998-99 and 1999-2000 school years, a school's grade will be determined by students' FCAT scores and other appropriate performance data, including, but not limited to: attendance and dropout rates, school discipline data, and student readiness for college.
- Beginning with the 2000-2001 school year, a school's grade will be based on a combination of students' FCAT achievement scores, the learning gains of the students, and other appropriate performance data, including, but not limited to: attendance and dropout rates, school discipline data, and student readiness for college.
- Beginning with the 2001-2002 school year and thereafter, a school's grade will be based on student learning gains as measured by the annual student FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to: attendance and dropout rates, school discipline data, and student readiness for college.

For purposes of implementing the Opportunity Scholarship Program, a school identified as critically low performing based on both 1996-97 and 1997-98 school performance data and state board-adopted criteria, and that receives a school grade of "F" based upon 1998-99 school performance data is considered to have failed to make adequate progress for 2 years. All other schools that receive a school grade of "F" based on 1998-99 school performance data are considered to have failed to make adequate progress for 1 year.

Beginning in the 1999-2000 school year, schools graded as "A," making excellent progress, or schools that improve at least two grade levels, must be given greater authority over the allocation of their total budget including: FEFP funding, state categoricals, lottery funds, grants, and local funds.

Student assessment data used in determining a school grade must include: 1) the median scores of all students enrolled in the school who were assessed on the FCAT, and 2) the median scores of all students enrolled in the school who were assessed on the FCAT and scored at or in the lowest 25th percentile in the state the prior school year.

The SBE must adopt appropriate criteria for each school performance grade category. The criteria must give added weight to student achievement in reading. Schools designated as "C," making satisfactory progress, must demonstrate that adequate progress has been made by students who scored at or in the lowest 25 percent of students in the state as well as by the overall student population of students in the school.

### ***School Improvement Ratings***

Beginning with the 1999-2000 school year, schools will be given an improvement rating. The annual report must identify each school's performance as having improved, remained the same, or declined. The improvement rating is based on a comparison of the current year's and prior year's student and school performance data. Schools that improve at least one grade are eligible for school recognition awards.

### ***School Performance Grade Category and Improvement Rating Reports***

School Performance Grade Category and Improvement Rating Reports ("school report cards") are created. School report cards must be published annually by the DOE and the school district. They must be in an easy-to-read format. Parents and guardians are entitled to a school report card for the school in which their child is enrolled.

### ***Statewide Assessments***

Statewide assessments must comply with the following criteria:

- They must be capable of measuring a student's mastery of the Sunshine State Standards for that grade level and above.
- They must be capable of measuring the annual progress of each student in mastering the Sunshine State Standards.
- They must include measures in reading and mathematics in every grade level and measures for writing in grades 4, 8, and 10.
- They must include a norm-referenced subtest.

Annual assessments that do not contain performance items shall be administered *no earlier* than March of each school year. Subtests that contain performance items may be given earlier than March, if they provide valid data on comparisons of student learning from year to year.

Assessments must be implemented statewide no later than the spring of the 2000-2001 school year.

The Legislature may factor in school performance in calculating performance-based funding policy provided for in the GAA.

The SBE may adopt rules to implement the provisions of the section.

### **Section 7: District and School Advisory Councils (Amends s. 229.58, F.S.)**

This section removes a reference to the Florida Commission on Education Reform and Accountability.

### **Section 8: Comprehensive Revision of Florida's System of School Improvement (Amends s. 229.591, F.S.)**

This section amends the system of school improvement as follows:

- Adds conforming language to implement changes in Art. IX of the State Constitution as amended by voters in the 1998 general election.
- Adds requirements in the Florida system for school improvement and accountability to provide that parents or guardians are not required to send their children to schools that fail to make adequate progress.
- Revises state education goals to provide that communities and schools collaborate in a statewide comprehensive school readiness program.
- Conforms language on annual learning gains to the requirements of student performance goals.
- Clarifies language to base education programs on student performance data and require education programs to strive to eliminate achievement gaps by improving the learning of all students.
- Clarifies language to require teachers and staff to demonstrate the performance needed to maximize learning among all students.

- Adds goal language for schools to provide safe environments and adult Floridians to prepare their children for success in school.

**Section 9: Implementation of State System of School Improvement** (Amends s. 229.592, F.S.)

This section amends the implementation of the state system of school improvement as follows:

- Removes references to the Florida Commission on Education Reform and Accountability.
- Adds *priorities* for DOE technical assistance and training to schools designated "D" and "F."
- Clarifies language relating to waivers, and precludes waivers regarding reporting of out-of-field teaching assignments.
- Deletes requirements of the annual identification of the allocation and uses of Education Enhancement Trust Funds in annual reports by schools and school districts.
- Adds to Exceptions to Law to provide for deregulated status for schools (upon request of the school) designated as making excellent progress or schools that have improved at least two performance grade categories.
- Corrects cross references and deletes obsolete language.

**Section 10: Oversight of School Improvement and Accountability** (Repeals s. 229.593, F.S.)

CURRENT SITUATION:

The Florida Commission on Education Reform and Accountability (the Commission) consists of the 23 members including the Commissioner, Lieutenant Governor, four members appointed by the Governor, six members appointed by the President of the Senate, six members appointed by the Speaker of the House of Representatives, and five members appointed by the Commissioner. The appointees must be representative of the business community, members of the House or Senate, school personnel including a school superintendent, a school principal, a dean of a Florida college of education, a vocational educator, a school board member, teachers, an expert in testing and measurement, and parents of children in Florida's public schools.

The Commission serves as an advisory body to oversee the development, establishment, implementation, and maintenance of the statewide system of school improvement and accountability. The Commission makes annual recommendations for changes and improvements in this system to the Commissioner and to the Legislature.

The Commissioner is responsible for implementing and maintaining a system of school improvement and accountability based upon the recommendations of the Commission.

EFFECT OF PROPOSED CHANGES:

The Florida Commission on Education Reform and Accountability is eliminated. The Commissioner is responsible for implementing and maintaining a system of school improvement and education accountability. The Commissioner is required to report to the Legislature and recommend changes in state policy necessary to foster this improvement and accountability.

**Section 11: Powers and duties of the Commission** (Repeals s. 229.594, F.S.)

This section repeals the powers and duties of the Florida Commission on Education Reform and Accountability.

**Section 12: Implementation of State System of Accountability for School-to-Work Transition** (Amends s. 229.595(5), F.S.)

This section conforms language relating to the implementation of the state system of educational accountability for school-to-work transition, and removes a reference to the Florida Commission on Education Reform and Accountability.

**Section 13: Powers and Duties of the School Board - Assistance and Intervention** (Amends s. 230.23(5)(c) and (g), (7)(b), (16), (17), (18), and (19), F.S.)

CURRENT SITUATION:

The school board must develop a 3 year plan of increasing individualized assistance and intervention for each school that does not meet or make adequate progress. The board must notify the Florida

Commission on Education Reform and Accountability and the SBE by the end of 3 consecutive years in the event any school does not make adequate progress toward meeting state performance goals.

**EFFECT OF PROPOSED CHANGES:**

The school board must develop a **2-year** plan of increasing individualized assistance and intervention for each school *in danger* of not meeting state standards or making adequate progress. The definition of a school in danger of not meeting state standards is a school that receives a grade of "D," making less than satisfactory progress.

The school board must notify the Commissioner and the SBE by the end of **2 years** of any school that fails to make adequate progress. School districts must provide intervention and assistance to schools in danger of being designated as "F," failing to make adequate progress.

This section amends powers and duties of the school boards, as follows:

- Revises provisions relating to compensation and salary schedules.
- Clarifies language relating to "instructional materials."
- Revises school board duties regarding the implementation and enforcement of school improvement and accountability to require use of student achievement and other performance data.
- Removes references to the Florida Commission on Education Reform and Accountability.
- Shortens the time frame for the school board to provide intervention and assistance to schools not meeting standards.
- Adds conforming language to require school report cards to be included in required public disclosure.
- Adds conforming language to require school boards to adopt policies to give schools making excellent progress more autonomy and to implement the Opportunity Scholarship Program.

**Section 14: Assessment Procedures and Criteria** (Amends s. 231.29(3)(a), F.S.)

This section revises the assessment procedure for school district instructional, administrative, and supervisory personnel. Beginning with full implementation of annual learning gains, such assessments must be based *primarily* on student performance.

**Section 15: Florida School Recognition Program** (Amends s. 231.2905(2) and (3), F.S.)

**CURRENT SITUATION:**

The Florida School Recognition Program was created in 1997 to provide financial awards to schools that sustain high performance. A school district must incorporate a performance incentive program in its employee salary structure to participate in the program. The program must contain the following criteria for the initial identification of eligible schools:

- improvement in the school's student achievement data,
- statewide student achievement data,
- readiness for postsecondary education data,
- dropout rates, and
- attendance rates.

Schools must apply for final recognition and financial awards based on the following criteria:

- school climate, including rates of school violence and crime,
- indicators of innovation in teaching and learning,
- indicators of successful challenging school improvement plans, and
- parent, community, and student involvement in learning.

In the 1998-99 General Appropriations Act, the Legislature appropriated \$5,390,000 for the Florida School Recognition Program (specific appropriation 7A).

**EFFECT OF PROPOSED CHANGES:**

The Florida School Recognition Program is revised to provide greater autonomy in addition to financial awards to schools that sustain high performance. The program must add school grade criteria and student learning gains in its initial eligibility criteria. Criteria for the final recognition and financial awards are eliminated.

**Section 16: Pupil Progression** (Amends s. 232.245, F.S.)



**CURRENT SITUATION:**

Each school must develop and implement an academic improvement plan to include provisions for remedial instruction through one or more of the following activities:

- summer school coursework,
- extended day services,
- parent tutorial programs,
- contracted academic services,
- exceptional education services, or
- suspension of curriculum other than reading, writing, and mathematics.

Any student who exhibits deficiency in reading skills in grades 1 through 3, must be given intensive reading instruction. If the student's reading deficiency is not remedied by the end of grade 2 or grade 3, the student must be retained.

Any student who exhibits deficiency in reading skills at the beginning of grades 2, 3 and 4, must be given intensive reading instruction. The student must continue to be given the intensive reading instruction until the deficiency is remedied. If it is not remedied by the end of grade 5, the student *may* be retained.

(Two statutes passed in 1997 provide conflicting alternatives if a student's reading deficiency is not remedied.)

**EFFECT OF PROPOSED CHANGES:**

School boards may not assign a student to a grade level based solely upon the student's age or other factors that constitute social promotion. They are directed to allocate remedial and supplemental instructional resources first to students who fail to meet achievement performance levels required for promotion.

Any student who exhibits deficiency in reading skills in grades 1 or 2 must be given intensive reading instruction. If the student's reading deficiency, as determined locally in grades 1 or 2 or by the statewide assessment in grade 3, is not remedied by the end of the grade 4, the student *must* be retained.

This section also conforms the specific performance levels to those defined by the Commissioner, limits the Commissioner's authority to adopt rules for pupil progression, and deletes conflicting requirements.

**Section 17: Developmental Research Schools** (Amends s. 228.053(3), (8), and (12), F.S.)

This section corrects cross references relating to waiver requests for developmental research schools and deletes obsolete references to Blueprint 2000.

**Section 18: Joint Developmental Research School Planning Committee** (Amends s. 228.054(2)(e), F.S.)

This section corrects cross references relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee.

**Section 19: Charter Schools** (Amends s. 228.056(9)(f), F.S.)

This section conforms references to testing programs.

**Section 20: Term of Adoption for Instructional Materials** (Amends s. 233.17(3), F.S.)

This section corrects cross references relating to the term of adoption of instructional materials.

**Section 21: Educational Funding Accountability** (Amends s. 236.685(6), F.S.)

This section corrects cross references relating to educational funding accountability.

**Section 22: Department of Education** (Amends s. 20.15(6), F.S.)

This section removes a reference to the Florida Commission on Education Reform and Accountability.

**Section 23: Supplemental Academic Instruction** (Creates s. 236.08104, F.S.)

CURRENT SITUATION:

Students that participate in summer school in kindergarten through grade 8 are funded in the K-8 summer school categorical; Specific appropriation 115 of the 1998-99 GAA provided \$83 million for this purpose. Funds provided in this categorical are for summer instruction and may be expended for basic supplemental instruction during the 180-day term.

In the 1998-99 school year, districts had the flexibility to use funds in the K-8 summer school categorical and the public school technology categorical for purposes of either categorical in the amounts determined by the local school boards to best meet the needs of the students.

Students in grades 9 through 12 basic who receive summer school instruction are funded on a full-time equivalent (FTE) basis in the Florida Education Finance Program (FEFP). Dropout prevention programs are funded in the FEFP and are classified as Group 2 programs, meaning their enrollment is capped.

EFFECT OF PROPOSED CHANGES:

The Supplemental Academic Instruction Categorical Fund is created to provide 1) supplemental instruction to students in kindergarten through grade 12; *and* 2) programs such as mentoring, alternative schools, and other dropout prevention programs as provided in the GAA. The following provisions apply to the distribution and use of the funds:

- They are to be allocated annually to each school district based on the amount provided in the GAA.
- They are *in addition* to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP.
- They are only to be used to provide supplemental academic instruction to students enrolled in the K-12 program.
- The instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term, and may be used to lower class size if the district so chooses.

Beginning with the 1999-2000 school year, FTE funding in the FEFP for instruction beyond the regular 180-day school year will only be provided for students enrolled in special support level III, IV and V programs for exceptional students, English for Speakers of Other Languages (ESOL), and residential programs operated by the DJJ. Beginning that school year, dropout prevention programs are included in Group 1 programs under s. 236.081(1)(d)3., F.S., meaning the cap on student enrollment in dropout prevention programs is removed.

**Section 24: Definitions** (Amends s. 236.013(2)(c), F.S.)

This section eliminates certain provisions relating to calculations of the equivalent of a full-time student, and revises provisions relating to membership in programs scheduled for more than 180 days.

**Section 25: Legislative Intent** (Amends s. 239.101(7), F.S.)

This section corrects cross references relating to career education.

**Section 26: Vocational Standards** (Amends s. 239.229(1), F.S.)

This section corrects cross references relating to vocational standards.

**Section 27: Public Accountability for Teacher Preparation Programs** (Amends s. 240.529(1), F.S.)

This section corrects cross references relating to the approval of teacher education programs.

**Section 28: Teacher Quality** (Creates s. 231.002, F.S.)

The bill establishes that the most important influence the school can contribute to the learning of any student is the attitudes, skills, knowledge, and understanding of the teacher. DOE is directed to review statutes and rules governing certification, to increase the efficiency and responsiveness to the needs of district school systems and educators, to maintain rigorous standards for initial and continuing certification, and to provide alternatives in the certification process. DOE is also required to evaluate the

rigor of teacher assessment instruments and passing scores required for certification. DOE must submit its findings and recommendations to the Legislature and SBE by January 1, 2000.

**Section 29: Allocation of Revenues and Expenditures** (Amends s. 24.121(5)(d), F.S.)

CURRENT SITUATION:

Funds (lottery dollars) from the Educational Enhancement Trust Fund (EETF) must be withheld from any school district in which one or more schools in the district do not have a board approved school improvement plan or do not comply with SAC membership composition.

EFFECT OF PROPOSED CHANGES:

Effective July 1, 2002, failure of a district to adopt and implement a performance pay policy will also result in withholding allocations from the EETF.

**Section 30: School Board Duty to Adopt Performance Pay Policy** (Amends s. 230.23(5)(c), F.S.)

CURRENT SITUATION:

One of the duties of the district school board is to provide for the compensation of employees and adopt a salary schedule as a basis for paying all school employees. The school board seeks input from parents, teachers, and representatives from the business community. For instructional personnel, the schedule must base a portion of each employee's compensation on performance and consider the prior teaching experience of a person who has been the teacher of the year in any state in the United States.

EFFECT OF PROPOSED CHANGES:

By June 30, 2002, school boards are required to adopt a performance pay policy which must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance.

The policy is subject to negotiation as provided in Ch. 447, F.S. Employees who demonstrate outstanding performance must be allowed to earn 5 percent of their individual salary. Failure to comply will result in withholding of lottery dollars.

**Section 31: Qualifications of Personnel** (Amends s. 231.02(1), F.S.)

This section corrects a reference to the Department of Health.

**Section 32: Principals and Assistant Principals** (Amends s. 231.0861(2), F.S.)

CURRENT SITUATION:

Principal and assistant principal candidates are evaluated and certified based on competencies identified by the Florida Council on Educational Management (Council) as necessary for their positions. Certified candidates who have met the criteria approved by the Council are placed on a list maintained by DOE for district use. Although the Council has not met for 3 years, the guidelines established are still in effect and the 19 competencies identified for principal certification are still used.

A district may contract with other local school districts, agencies, associations, or universities to assess, evaluate, and train candidates selected from the DOE maintained list. The Council also established criteria for the screening, selection, and appointment process. Pursuant to Council guidelines, school boards may submit to the Commissioner proposed programs for training administrators and school-based managers, including principals, assistant principals, school site administrators, and potential candidates for employment in these administrative positions. The cost of the training programs is paid partially by the district and partially by DOE.

EFFECT OF PROPOSED CHANGES:

The SBE approves, by rule, the criteria for selection of assistant principals and principals currently set by guidelines established by the Council. School districts are allowed to contract with *private entities* in addition to other current options for assessment, evaluation, and training of principals and assistant principals. The SBE is required to approve criteria for selection of assistant principals and principals, and authorize school districts to contract with private entities for assessment, evaluation, and training.

**Section 33: Duties of Principals** (Amends s. 231.085, F.S.)

CURRENT SITUATION:

Public school principals have the following duties:

- Supervise operation and management of schools and property.
- Perform duties pursuant to rules of school board related to: administrative responsibility, instructional leadership of the educational program, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension.

**EFFECT OF PROPOSED CHANGES:**

Principals are assigned the responsibility for performance of school personnel. They are required to apply a personnel assessment system approved by the school board. The school board must establish rules relating to principal's duties. These will include instructional leadership in implementing the Sunshine State Standards and the overall educational school program.

**Section 34: Management Training Act** (Amends s. 231.087(5)(a) and (7), F.S.)

**CURRENT SITUATION:**

The Management Training Act of 1981 provides the criteria, training programs, and requirements for becoming eligible to be a principal or manager in Florida public schools. This Act creates the Council, the Florida Academy for School Leaders, and the Center for Interdisciplinary Advanced Graduate Study.

**EFFECT OF PROPOSED CHANGES:**

The SBE must adopt rules regarding the training of school district management personnel. The bill directs the Office of Program Policy Analysis and Governmental Accountability, in consultation with DOE, to conduct a comprehensive review of the Management Training Act to determine its effectiveness and submit recommendations to the Legislature by January 1, 2000. The Management Training Act is repealed effective June 30, 2000.

**Section 35: Duties of Instructional Personnel** (Amends s. 231.09, F.S.)

**CURRENT SITUATION:**

Instructional staff of public schools perform duties which are in local school board rule and relate to:

- teaching efficiently and faithfully,
- using prescribed materials and methods,
- recordkeeping, and
- fulfilling the contractual terms, unless released from the contract by the board.

**EFFECT OF PROPOSED CHANGES:**

The *primary* duties of instructional personnel are to help students meet or exceed learning goals, state and local achievement requirements, and to master skills to graduate from high school and be prepared for postsecondary education, technical education, or work. These duties apply to instructional personnel whether they teach or function in a support role. School board rules must specify that a teacher's duty is to help students master challenging standards and meet all state and local achievement requirements.

**Section 36: Teacher Teaching Out-of-Field** (Amends s. 231.096, F.S.)

**CURRENT SITUATION:**

Each school district must have a plan to assist teachers teaching out-of-field and to give such teachers priority consideration in professional development activities.

**EFFECT OF PROPOSED CHANGES:**

School boards are required to adopt and implement a plan to ensure the *competency* of teachers with out-of-field teaching assignments. Out-of-field teachers must participate in a certification, staff development, or peer assistance program. The cost of the program must be funded by the school board. Board-approved assistance plans must include duties of administrative personnel and other instructional personnel to help the out-of-field teacher ensure that students receive high-quality instructional services. The Commissioner is prohibited from granting waivers for required reports that go to parents regarding out-of-field teachers.

**Section 37: Purpose of Instructional Personnel Certification** (Amends s. 231.145, F.S.)

**CURRENT SITUATION:**

Legislative intent is that Florida certified school personnel possess the credentials, knowledge, and skills necessary to provide quality public school education. Certification requirements assure that educational personnel in public schools:

- possess adequate pedagogical knowledge,
- possess relevant subject matter competence, and
- demonstrate an acceptable level of professional performance.

**EFFECT OF PROPOSED CHANGES:**

Legislative intent is to provide for high quality education and increased certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics so as to demonstrate an acceptable level of professional performance.

**Section 38: Positions for which Certificates Required** (Amends s. 231.15, F.S.)

**CURRENT SITUATION:**

The SBE is authorized to prescribe classes of service and rules in accordance with which the professional, temporary, and part-time certificates are to be issued. Each person employed as a school supervisor, principal, teacher, library media specialist, school counselor, athletic coach, or other instructional position in a public school must hold a certificate or license issued by DOE under these rules. However, school districts are also allowed to employ certain locally qualified and non-certified instructional personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

Unless they are volunteers, athletic coaches in public schools are required to have a part-time, temporary, or professional valid certificate. School nurses are required to have a nursing license, and school physicians are required to hold a state medical license.

**EFFECT OF PROPOSED CHANGES:**

The SBE rules must allow professional educators to **add** areas of certification to a professional certificate *without* completing associated course requirements if the certificateholder attains a passing score on an examination of competency in the subject area to be added and provides evidence of at least two years of satisfactory evaluations that considered performance. Individuals who have specific subject area expertise but who have not completed a standard teacher preparation program may participate in an alternative certification program for a professional certificate.

Rather than a specific number of college course credit hours, the alternative certification program provides for *demonstration* of competency in assessment, communication, critical thinking, human development and learning, classroom management, planning, technology, diversity, teacher responsibility, code of ethics, and continuous professional improvement. The SBE is required to consult with the applicable postsecondary education boards prior to changing training requirements relating to entry into the profession. The boards must be allowed to provide advice regarding the impact of the proposed changes on time necessary to complete the training program and fiscal impact. An athletic coach does not have to hold a certificate.

**Section 39: Eligibility and Certification** (Amends s. 231.17(3)(c), (4), (5), and (8), F.S.)

**CURRENT SITUATION:**

A **temporary certificate** allows applicants to teach while completing requirements for the professional certificate. The temporary certificate is a non-renewable 2-year certificate, but may be re-issued under certain circumstances. To qualify for a temporary certificate, the applicant must have a valid statement of eligibility and:

- have submitted a completed FDLE and FBI fingerprint check to DOE;
- file a written statement under oath to subscribe to and uphold the principles of the Constitutions of the United States and the State of Florida;
- be at least 18 years of age;
- document the receipt of a bachelor's degree or higher degree from an accredited college or a degree program validated according to SBE rules and have a 2.5 grade point average on a 4 point scale in the major field of study;
- meet academic and professional requirements based on credentials certified by standard institutions of higher learning;
- be competent and capable of performing the duties, functions, and responsibilities of a teacher; and

- be of good and moral character.

To obtain a **professional certificate**, the applicant must meet requirements for a temporary certificate *and* demonstrate mastery of 15 minimum competencies, including:

- general knowledge, including the ability to read, write, and compute (demonstrated by passing the College Level Academic Skills Test (CLAST), portions of the National Teachers Examination or an alternative test approved by the SBE);
- professional skills and knowledge of the standards of professional practice; and
- the subject matter in each area for which certification is sought (demonstrated by passing subject area examinations for each area of specialization determined by the SBE).
- Technology
- Certain social problem competencies, such as recognizing child abuse and drug abuse indicators.

The SBE shall specify by rule the examination scores required for a professional certificate and certain temporary certificates. When the CLAST is used to demonstrate general knowledge, the rules:

- Must provide an alternative method for an applicant to demonstrate mastery of general knowledge, including the ability to read, write, or compute,
- Must define general subject area competencies, and
- Must establish uniform evaluation guidelines.

The alternative method is limited to applicants who completed all prerequisites except that they failed a specific subtest of the CLAST at least four times. The superintendent of the employing school district reviews the applicant's transcript, notifies the principal, a peer teacher, and a district-level supervisor and notifies the Commissioner that the applicant has satisfactorily demonstrated mastery of the specific subject area subtest through successful experience and proficient academic performance.

#### EFFECT OF PROPOSED CHANGES:

Requirements for individuals applying for a **temporary certificate** on or after July 1, 2000, are *expanded* to include a demonstrated mastery of general knowledge, including the ability to *read, write, and compute*. Acceptable ways of demonstrating mastery are passing scores on another state's general knowledge examination or another state's valid standard teacher's certificate. The other state must also have required general mastery.

The 15 minimum competencies for **professional certificates** are *expanded* to include:

- *Speak and write* in a logical and understandable style with appropriate grammar and sentence structure.
- Comprehend and work with *algebra* as part of comprehension of mathematical concepts.
- Refer students who abuse alcohol and drugs to counseling and assistance programs to prevent future abuse.
- Integrate appropriate technology in teaching and learning processes and in managing, evaluating, and improving instruction.
- Use diagnostic strategies to assist the continuous development of the learner.
- Demonstrate knowledge and understanding of Sunshine State Standards.
- Demonstrate knowledge and skill in managing student behavior inside and outside the classroom, including techniques for preventing and effectively responding to incidents of disruptive or violent behavior.
- Demonstrate knowledge of and skill in developing and administering appropriate classroom assessment instruments designed to measure student learning gains.
- Demonstrate the ability to maintain a positive collaborative relationship with students' families to increase student achievement.
- Recognize the early signs of truancy and identify interventions.

Corresponding tests from the National Teachers Examination series (rather than the CLAST) may be used to demonstrate mastery of general knowledge. All required tests may be taken prior to graduation. Applicants who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by SBE rule.

#### **Section 40: Employment of Substitute Teachers** (Amends s. 231.1725(3), F.S.)

#### CURRENT SITUATION:

Substitute, adult education, and nondegreed career education teachers who are employed have the same rights and protections of law as certified teachers.

**EFFECT OF PROPOSED CHANGES:**

While performing in a clinical field experience, *students* enrolled in a state approved teacher preparation program are given the same protections of law as certified teachers. They do not have the right to collectively bargain as employees of the school board.

**Section 41: Alternative Preparation Programs** (Amends s. 231.174, F.S.)

**CURRENT SITUATION:**

A district may design alternative teacher preparation programs for certified persons to add additional coverage to their certificates to teach: 1) exceptional education classes or 2) other areas of critical shortage. The programs are reviewed and approved by DOE to assure competency in the subject area.

**EFFECT OF PROPOSED CHANGES:**

Districts may design alternative preparation programs for certified teachers to add additional coverage to their certificates **beyond** the current limitations of certificates to teach exceptional education classes or other areas of critical shortage.

**Section 42: Assessment Procedures and Criteria** (Amends s. 231.29(3), F.S.)

**CURRENT SITUATION:**

Superintendents must establish procedures for assessing the performance of the district's instructional, administrative, and supervisory personnel. Assessments must be completed by the employee's supervisor and include criteria based on observable indicators of ability to: maintain appropriate discipline, subject matter knowledge, instructional planning and delivery, instructional needs evaluation, communication with parents, and any other professional competencies determined by the local school district. The district school board must review and approve substantial revision of this assessment system.

All district instructional personnel must be evaluated by their supervisors at least once a year. Employees must be fully informed of assessment criteria and procedures prior to the assessment; must be given a written report of the evaluation within 10 days after the assessment; and must be notified of the performance deficiencies in writing.

**EFFECT OF PROPOSED CHANGES:**

School administrators are *added* to personnel subject to the assessment procedure. A new assessment criteria indicator is added relating to performance of students as measured by state assessments and by local assessments for subjects and grade levels not measured by the state assessment program. The ability to communicate with parents criterion is strengthened by new language requiring establishment and maintenance of a positive collaborative relationship with students' families to increase student achievement.

**Section 43: Education Standards Commission** (Amends s. 231.546(1)(a), F.S.)

**CURRENT SITUATION:**

The Education Standards Commission is required to recommend to the SBE *desirable* standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns.

**EFFECT OF PROPOSED CHANGES:**

The Education Standards Commission is required to recommend to the SBE **high** standards. The standards must be consistent with the state's duty to provide a high-quality system of public education to all students.

**Section 44: School Community Professional Development** (Amends s. 231.600(1), (3), (4)(b), (8), and (9), F.S.)

**CURRENT SITUATION:**

The School Community Professional Development Act requires the DOE, public community colleges and universities, school districts, and public schools to collaborate to establish a coordinated system of professional development for educators. The implementing activities must:

- Increase the success of educators in guiding student learning and development to implement state and local education initiatives.
- Assist the school community in developing in school children the dispositions that will motivate them to be active learners.
- Provide continuous support rather than temporary intervention, for improving performance of teachers and others who assist children in learning.

Each district school board must consult with teachers and representatives of college and university faculty, community agencies, and other interested citizen groups to establish policies and procedures to guide the operation of the district's professional development program. Each professional development system must:

- require schools to identify student needs for improved professional performance, and assist schools in making these identifications;
- provide training and other professional development appropriate to accomplish district-level and school-level improvement goals and standards;
- provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

**EFFECT OF PROPOSED CHANGES:**

The purpose of the professional development system is *expanded* to include enabling the school community to meet state and local student achievement standards and the state education goals. The new or revised required activities of a professional development system include:

- Increase success of educators to implement state and local educational standards, goals, and initiatives.
- Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.
- Provide continuous support and temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

New professional development system requirements are added: principals and schools use student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, and other performance indicators to identify school needs. The system must assist principals in making identifications of school and student needs and must provide for professional development by distance learning and technology based delivery to reach more educators at lower costs.

The system must continuously evaluate quality and effectiveness of professional development programs in order to eliminate ineffective programs and expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

A district school board may still contract with independent entities for professional-development services and inservice training if the school board believes that a better product can be acquired through such a contract or its goals for education improvement can be better met. School boards may require participation in a specific professional development program or peer assistance and review program as part of the improvement prescription for teachers and administrators evaluated as less than satisfactory.

**Section 45: Public Accountability** (Amends s. 240.529(1), (3)(b), (4), and (5), F.S.)

**CURRENT SITUATION:**

Section 240.529, F.S., establishes legislative recognition that skilled teachers make the most important contribution to a quality educational system and that competent teachers are produced by effective and accountable teacher preparation programs. The legislative intent is to establish a system for teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing teachers with the competencies and skills for achieving the state education goals and sustaining the state system of school improvement and education accountability.



Each teacher preparation program approved by DOE requires one of the following prerequisites for admission:

1. Student receives a passing score at the 40th percentile or above on a nationally standardized college entrance exam
2. Student have a GPA of 2.5 for the general education component of undergraduate studies
3. Students have completed requirements for baccalaureate degree from an accredited college or university

The SBE is granted rule making authority to provide a waiver of these requirements. However, the rule must require that 90 percent of those admitted to each teacher education program meet the requirements.

DOE in collaboration with the Colleges of Education, develops procedures for continued program approval documenting continued improvement, which requires 80 percent of the graduates of a program to pass specified written examinations for certification, pursuant to s. 231.17, F.S.

All postsecondary instructors, school district personnel, instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships must meet special requirements. All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships must have either specialized training in clinical supervision, a valid professional teaching certificate, or at least 3 years of successful teaching experience in prekindergarten through grade 12. These instructors may make a commitment to spend periods of time, specified in SBE rules, teaching in public schools in lieu of the requirements.

All school district personnel and instructional personnel who supervise or direct teacher preparation students must have evidence of "clinical educator" training. The Education Standards Commission recommends, and the SBE approves, training requirements.

#### EFFECT OF PROPOSED CHANGES:

Revises legislative intent to establish a system that is *accountable* for producing graduates with competencies and skills necessary to achieve the state education goals; help students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain school improvement and accountability. Students desiring to be admitted to a teacher preparation program approved by the DOE are required to meet the following prerequisites for admission:

- Have a 2.5 GPA for general education component, or have a baccalaureate with a 2.5 GPA; **and**
- Demonstrate mastery of general knowledge by passing CLAST or a similar test.

The SBE may provide rules for waiver. Ninety percent of students admitted to each teacher education program must meet the prerequisites and the program must implement strategies to ensure that students admitted under waiver receive assistance.

Criteria are added for continued program approval:

- 90 percent of graduates must pass the written examination required by s. 231.17, F.S.
- Criteria developed by the Education Standards Commission must include graduates' satisfaction with training and the program's responsiveness to local school districts.
- Required institutional program evaluation plans must include provisions for parental involvement.
- Beginning July 1, 2000, continued program approval is contingent upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program.
- Beginning 2000-2001, annual reports of program performance must be in the institution's student catalogue. An annual report must address the quality of the entering students, their mean GPA and average score on exams of general knowledge required for the issuance of a temporary or professional certificate; graduation rates; time-to-graduation data; ability of graduates to perform at preprofessional and professional levels and demonstrate competencies required for a temporary certificate, professional certificate, and certificate of competency in various subject areas; percentage of graduates rehired to teach after the first year of employment in a public or private school; percentage of graduates remaining in teaching for at least 4 years; satisfaction of graduates of the program as evidenced by a common survey; and satisfaction of employers.
- Beginning July 1, 2000, continued program approval for teacher preparation programs is contingent upon compliance with the entrance requirements (GPA of 2.5 and mastery of general knowledge).

All instructors who supervise preservice field experience shall either have specialized training in clinical supervision, a valid professional teaching certificate, or at least 3 years of successful teaching experience in prekindergarten through grade 12. A commitment to spend periods of time teaching in the public schools is *eliminated* as a qualification for preservice instructors in postsecondary teacher preparation programs.

All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must successfully demonstrate effective classroom management strategies that consistently result in improved student performance.

Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, modeling strategies for incorporating technology into classroom instruction, and ways to link instructional plans to the Sunshine State Standards, as appropriate. Such experience must include *at least 1 week* of supervised student contact with *lower achieving students*. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

**Section 46: Statewide System for Inservice Professional Development (Creates s. 231.6135, F.S.)**

CURRENT SITUATION:

The responsibility for operating programs for preservice and inservice teacher education is divided among the colleges and universities, the district school boards, and practicing educators.

EFFECT OF PROPOSED CHANGES:

A statewide system of professional development is established to provide a wide range of targeted inservice training to teachers and administrators, designed to upgrade skills and knowledge needed to reach world class standards in education. A network of professional development academies in each region of the state operated in partnership with area business partners is to develop and deliver high quality training programs purchased by the school districts. The academies are intended to meet the human resource development needs of professional educators, schools, and districts.

The Commissioner allocates funds appropriated for the initiation of the academies unless otherwise provided in the GAA. To be eligible for startup funds, the academy must:

- Demonstrate the capacity to provide effective training to improve teaching skills in elementary and secondary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer-based delivery systems.
- Propose a plan for effective and timely response to the professional development needs of teachers, administrators, schools, and districts relating to improving student achievement and meeting state and local education goals.
- Be established by one or more district school boards, members of the business community, and the postsecondary institutions that award college credits for courses taught at the academy.
- Demonstrate the ability to provide high-quality trainers and training, appropriate follow up and coaching and school personnel support that positively impacts student performance.
- Be operated under contract with public partners, governed by an independent board of directors including as members: at least one superintendent and one school board chair, the president of the collective bargaining unit representing the majority of the region's teachers, and three other individuals who are not employees or elected or appointed officials of the district.
- Be financed during year 1 by an equal or greater match from private funding sources and demonstrate the ability to be *self-supporting* within 1 year after opening.
- Own or lease a facility to deliver training on-site and through distance learning and other technology-based delivery systems.
- Provide professional development services for participating school districts pursuant to the contract and may provide professional development services to other school districts, private schools, and individuals on a *fee-for-services* basis.

**Section 47: Purposes, Intent for Inservice Training (Repeals s. 231.601, F.S.)**

Repeals provisions relating to the purpose of inservice training for instructional personnel.

**Section 48: School Improvement Plans (Amends s. 230.23(16)(a), F.S.)**

CURRENT SITUATION

Principals must adopt school improvement plans (SIP) designed to achieve state education goals and address issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation. No requirements are made for the SIP to address school safety or discipline.

EFFECT OF PROPOSED CHANGES:

School improvement plans are required to include specific *school safety* and discipline strategies.

**Section 49: Dropout Prevention and Second Chance Schools** (Amends s. 230.2316(3), F.S.)

CURRENT SITUATION:

*Dropout Prevention*

A dropout is defined in s. 228.041(29), F.S., as a student not subject to compulsory school attendance who has either withdrawn from school voluntarily, has not met the attendance requirements of the district, or who is no longer eligible to attend under an exceptional education program. Programs must include alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs of the students. Dropout prevention programs are available for eligible students in grades 4 through 12.

*Second Chance Schools*

Second chance schools are part of the Dropout Prevention Act and are school district programs provided through cooperative agreements between DJJ, private providers, state or local law enforcement agencies, or other agencies for students who have been disruptive or violent, or have committed serious offenses. Schools are encouraged to use alternative programs before assigning students to second chance schools. A child assigned to a second chance school who wishes to return to a traditional school must first be evaluated by school district personnel.

*Character and Law Education*

Section 233.0612, F.S., authorizes school districts to provide character development and law education programs. They are encouraged to install programs similar to *Character Counts* or *Character First! Education Series*.

EFFECT OF PROPOSED CHANGES:

*Dropout Prevention*

The bill *requires* dropout prevention programs to employ diagnostic and assessment procedures. The educational program must provide *character* and law education, along with curricula and related services. Dropout prevention programs are *expanded* to include eligible students in *grades 1 through 3*.

*Second Chance Schools*

DOE provides 1 year startup grants for school districts seeking partnerships with private nonprofit or for-profit providers or public entities to start second chance schools. Students seeking to reenter traditional schools must complete a *character education* program and demonstrate preparedness to reenter rather than have an evaluation by school district personnel.

**Section 50: Duties of Principals** (Amends s. 231.085, F.S.)

CURRENT SITUATION:

Principals must supervise the operation and management of a school and property and perform duties related to administrative responsibility, including records and reports, instructional leadership, personnel recommendations, administration of corporal punishment and student suspension, and leadership in developing, revising, and implementing the SIP.

EFFECT OF PROPOSED CHANGES:

Principals must ensure the accuracy and timeliness of all school reports and provide staff training opportunities in addition to other duties. Principals who fail to comply are *ineligible* for performance pay policy incentives.

**Section 51: Pilot Projects Raising the Compulsory School Attendance Age** (Creates s. 232.001, F.S.)

CURRENT SITUATION:

Children between 6 and 16 years of age must attend school. A child who attains 16 years during the school year is not subject to compulsory school attendance beyond the date when he or she attains that age, if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must be signed by the parent or guardian. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date when he or she attains that age.

EFFECT OF PROPOSED CHANGES:

Three district school boards as authorized in the GAA may implement pilot projects to raise the compulsory age of attendance from 16 to 18. The pilot projects apply to each child who has not turned 16 years old by September 30 of the school year in which the policy is adopted. The pilot districts will not have the option of accepting a 16 year old's declaration of intent to terminate. Each pilot district will report on the effect of the policy on school attendance, dropout rate, and cost. The project will begin on July 1, 1999, and the pilot district school boards must take the following steps to implement the project:

- Provide notice of intent to adopt a policy to raise the compulsory age from 16 to 18 years to the parent or guardian of each child who is 15 years of age and enrolled in the district. The notice must be provided within 2 weeks after adoption of the policy and must include information related to the penalties for refusing or failing to comply with the compulsory school attendance requirements and information on alternative education programs offered within the school district.
- Adopt the policy before beginning the school year.

**Section 52: Kindergarten School Attendance** (Amends s. 232.01(1)(a), (b), and (c), F.S.)

CURRENT SITUATION:

Children who attain the age of 5 years on or before September 1 of the school year *are eligible* for admission to public kindergartens during that school year. Although kindergarten is not required in Florida, it is offered in every district. In Florida it is estimated that approximately 95% of eligible 5 year olds attend kindergarten. No data is available to identify the number of children who attend private versus public kindergartens.

According to a December 1998 report from the Council of Chief State School Officers State Assessment Center, 18 states require attendance in kindergarten.

EFFECT OF PROPOSED CHANGES:

*Requires* 5 year olds to attend school and progress through the district's pupil progression plan, and requires each district's pupil progression plan to include full day kindergarten.

**Section 53: Enforcement of School Attendance** (Amends s. 232.17, F.S.)

CURRENT SITUATION:

According to *The Florida Senate Interim Project Report 98-67*, the Juvenile Justice Accountability Board (JJAB) reports that nearly 20 percent of students statewide have missed 21 days in a school year and most school districts have difficulty in accurately documenting whether these absences are excused or unexcused.

Sections 232.17 and 232.19, F.S., outline the following activities to be taken by a designated school representative to determine the cause and attempt the remediation of truant behavior.

- Investigate the students' nonenrollment and unexcused absences.
- Give written notice, in person or by return-receipt mail, to parents when no valid reason is found for the nonenrollment or when the child had a minimum of 3 but fewer than 6 unexcused absences within 90 calendar days.
- If the notice and requirement for attendance are ignored, the case is reported to the superintendent. The case may be, but is not required to be, referred to a case staffing committee; however, first there must be one or more meetings held between a school representative and the parents, or the parents must have refused to participate in the meeting; educational counseling; and an educational evaluation.

The superintendent *may* bring criminal prosecution against the parents. School representatives are also required to return the child to the parent or to the principal or private tutor when the child is found and

report to the Division of Jobs and Benefits all violations of the Child Labor Law that are found. If the child repeats a pattern of nonattendance within one school year, the series of escalating activities are resumed at the point where the child left off.

After all of the above activities have been tried without successful remediation of the truancy problem, the child may be dealt with as a child-in-need-of-services according to the provisions of Chapter 984, F.S.

**EFFECT OF PROPOSED CHANGES:**

Superintendents are responsible for enforcing attendance, including recommendations to the school board. School board policies must require that absences have parental justification, and provide for tracking of absences and contacting homes.

The steps that each public school must implement to enforce regular school attendance are:

Contact, refer, and enforce -- Principals must contact the home to determine the reason for an absence. If the absence is excused, the school must allow make-up work within a reasonable time. If the student has 5 unexcused absences or absences for which the reason is unknown, in a month or 10 in 90 days, the teacher *must* report a pattern of nonattendance to the principal.

The principal refers the case to the school's child study team (team) unless there is clear evidence that absences are not a pattern of nonattendance. If the team determines that early patterns of truancy are developing, whether the absences are excused or not, a meeting with the parents is required to identify remedies. If the initial parent meeting does not resolve problem, the team implements interventions including:

- Frequent communication between teacher and family,
- Changes in learning environment,
- Mentoring,
- Student counseling,
- Tutoring, including peer tutoring,
- Placement into different classes,
- Evaluation for alternative education programs,
- Attendance contracts,
- Referral to other agencies for family services, or
- Other services.

Parents or guardians who believe the intervention strategies are unnecessary or inappropriate, and refuse to participate in the remedial strategies, may appeal to the school board. The school board may provide a hearing officer to make a recommendation to the board for final action. However, the board makes the final determination. If the board determines the strategies are appropriate and the parent still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

If the parent reports that the child is ungovernable and will not attend school, the superintendent must file a child-in-need-of-services (CINS) petition or family-in-need-of-services (FINS) petition seeking services from the DJJ and a court order for the child to attend school. The superintendent must provide evidence to the court that the school system is prepared to provide a learning environment for the student that is responsive to the student's learning needs and that all reasonable efforts have been exhausted to resolve the nonattendance behavior. If the child still refuses to comply, the court may enforce a contempt of court order.

Give written notice -- When no valid reason is found for a child's nonenrollment in school, a notice is sent to the parent. The option of a minimum of 3 to a maximum of 6 unexcused absences before the notice is sent is deleted. The notice requires enrollment and attendance within 3 days. If the notice is ignored, the case is reported to the superintendent. The superintendent must take steps to bring criminal prosecution against the parents and give written notice in person or by return-receipt mail to the parent or guardian that criminal prosecution is being sought for nonattendance. If the child has 15 unexcused absences in a 90 calendar day period, the superintendent may file a truancy petition in truancy court or file a CINS petition.

Return child to parent -- If a child is found by a designated school representative, the child must be returned to the parent, principal, teacher in charge of school, private tutor, or to a juvenile assessment center or other location established by school board to receive students who are absent from school. Upon receipt of the student, the parent must be notified immediately.

**Section 54: Court Procedure and Penalties for Habitual Truancy Cases** (Amends s. 232.19(3), F.S.)

CURRENT SITUATION:

A habitual truant is defined in ss. 228.041(28) and 984.03(29), F.S., as a student of compulsory school age who accumulates 15 unexcused absences within a period of 90 calendar days, with or without the knowledge or consent of his or her parent or legal guardian, and who does not qualify for an exemption. In addition to the steps required for enforcing school attendance, the following activities must be met and documented in writing to determine the cause and attempt to remediate a child's truant behavior before a petition is filed:

- One or more meetings, in person or by phone, between the school representative, the child's parent, and the child, after a minimum of 3 and before 6 unexcused absences within 90 calendar days. If the parent refuses to participate in the meetings and the school representative has documented the refusal, the meeting requirement is considered to have been met.
- Educational counseling to identify and implement curriculum changes, which may include a dropout prevention program or a second chance school.
- Educational evaluation, which may include a psychological evaluation, to help determine reason for child's nonattendance. If a condition was diagnosed in the evaluation, the school must have made specific efforts to remedy the condition.
- Referral to the CINS and FINS provider or the case staffing committee. Before and after a CINS petition is filed due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to remedy the truant behavior through completion of the all the previously listed actions.

If a child responds to these interventions and completes the necessary requirements to pass the current grade, the child must be passed.

In 1997, the Florida Legislature passed HB 1309, which prevents minors who accumulate 15 unexcused absences within 90 days from obtaining or retaining a driver's license, pursuant to s. 232.19, F.S.

Sections 232.19, and 414.125, F.S., provide additional penalties for parents, legal guardians, principals, teachers, or employers who refuse or fail to comply with the compulsory school attendance and habitual truancy laws.

EFFECT OF PROPOSED CHANGES:

The superintendent may file a truancy petition in truancy court for a habitual truant. If the superintendent chooses not to file a truancy petition, procedures for filing a CINS petition are commenced after the following occurs:

- Reasonable time must be allowed to complete actions of referral to the CINS provider or the case staffing committee. The same reasonable time allowances must be given subsequent to the filing.
- Court order requiring school attendance must be obtained.
- School districts must comply with the requirements to contact the home, refer the child to the principal if there are 5 absences in a calendar month or *10 absences within a 90 day period*, refer the child to the child study team, meet with the parent, implement interventions, report to the superintendent, give written notice, and return child to parent, all pursuant to the provisions for enforcing school attendance in s. 232.17, F.S. All of those efforts must have been unsuccessful before filing the petition.

Requirements that a child have educational counseling and educational evaluation before a petition is filed are eliminated.

**Section 55: Determination of FTE on Average Daily Attendance** (Amends s. 236.081(1)(a), F.S.)

CURRENT SITUATION:

A full time equivalent (FTE) for FEFP funding purposes is one student in membership in one or more FEFP programs for a school year or its equivalent. For the purposes of calculating the FTE membership, a student is considered in membership until withdrawal or 11th consecutive school day of absence. A student is eligible for FTE membership if both of the following conditions are satisfied:

1. Student is in program membership *at least 1 day* during the survey period in an approved course.
2. Student is in attendance *at least 1 day* during the survey period or one of the six scheduled meetings preceding the survey period on which students were in attendance in school.

There are at least 4 FTE student membership surveys (commonly referred to as "count weeks") conducted during the year, of which 2 are conducted during the regular 180 day school term and 2 are conducted during the summer term. Section 236.081(1)(a), F.S., specifies that the number of FTE student membership surveys not exceed nine in a fiscal year. The four count weeks for the 1998-99 school year are July 6-10, 1998; October 5-9, 1998; February 1-5, 1999; and June 21-25, 1999.

*This means that a student who is enrolled but **only** attends 2 days (1 day in each of the 2 count weeks during the school year) is funded as a **full time** FTE. The district receives funding as if the student had been in attendance for the entire 180 days.*

Although daily attendance of students is not used to calculate FTE membership or enrollment, daily attendance data is collected by DOE.

#### EFFECT OF PROPOSED CHANGES:

Beginning in the 1999-2000 school year, an average daily attendance factor will be computed by dividing the total daily attendance for all students by the total student membership; this figure is then divided by the number of days in the regular school year (180 days).

*The average daily attendance factor will provide a more accurate tool to adjust for actual student attendance in school.*

Beginning in the 2001-2002 school year, the district's FTE membership will be adjusted by multiplying by the average daily attendance factor. This calculation will not require any new data collection by the districts or the department since attendance data is currently collected by the district and reported to and maintained by the department.

#### **Section 56: Teacher Preparation Programs** (Amends 240.529(4)(b), and (5)(a) and (b), F.S.)

#### CURRENT SITUATION:

Legislative intent established in s. 240.529(1), F.S. for teacher preparation programs is to employ varied and innovative teacher preparation techniques while producing teachers with the competencies and skills for achieving Florida's education goals and sustaining the school improvement and education accountability system.

#### *Teacher Preparation Program Approval*

To be approved by DOE, a teacher preparation program must require that students being admitted to the program meet one of the following:

- A passing score at the 40th percentile or above on a nationally standardized college entrance examination.
- A GPA of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies.
- Completed requirements for a baccalaureate degree from any college or university accredited by a regional accrediting association.

If a program fails to meet the criteria of the approval process, it can lose approval. Additional criteria for continued program approval may be developed by the Education Standards Commission and approved by the SBE and must emphasize outcome measures.

#### *Preservice Field Experience*

All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships must have one of the following:

- Specialized training in clinical supervision.
- A valid professional teaching certificate.
- At least 3 years of successful teaching experience in prekindergarten through grade 12.
- A commitment to spend periods of time specified by SBE rule teaching in public schools.

Additionally, all school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training.

**EFFECT OF PROPOSED CHANGES:**

Legislative intent is added for teacher preparation programs to help students meet high standards for student achievement and provide safe and secure classroom learning environments.

*Teacher Preparation Program Approval*

Criteria for continued teacher preparation program approval must emphasize *outcome measures* of student performance in classroom management and improving performance of students who have traditionally failed to meet achievement goals and are over represented suspensions and other disciplinary actions.

*Preservice Field Experience*

Instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships no longer have the option of substituting a commitment to spend periods of time teaching in the public schools in lieu of the other requirements.

All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have successfully demonstrated effective classroom management strategies and consistently improved student performance.

**Section 57: Definitions of Habitually Truant, Truancy Court, and Truancy Petition** (Amends s. 984.03(29), (57), and (58), F.S.)

**CURRENT SITUATION:**

The definition of habitually truant in s. 984.03, F.S., differs from the definition in s. 228.041, F.S., in that it also requires that the escalating activities to determine the cause and attempt the remediation of the truant behavior have been completed. The escalating activities and procedures are those outlined in the enforcement of school attendance, and the court procedures and penalties relating to compulsory school attendance.

A child who has been responsive and met the pupil progression plan standards and intervention strategies will no longer be designated as habitually truant and will progress a grade. If the child has 15 unexcused absences within 90 days or fails to enroll, the State Attorney may file a CINS petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may file a CINS petition.

If the parent refuses to participate, or make a good faith effort to participate, in the activities to remedy the truant behavior or the child fails or refuses to return to school after the school administration and DJJ have worked with the child as described for habitual truant cases (in s. 232.19, F.S.), then proceedings, prosecutions, and penalties may begin.

**EFFECT OF PROPOSED CHANGES:**

The definition of habitually truant in s. 984.03, F.S., is revised to agree with the definition in s. 228.041, F.S., by deleting the requirement that escalating activities have been completed.

The State Attorney *shall*, rather than may, file a CINS petition unless the State Attorney determines that another alternative placement is preferable. The provisions that a child must be referred to the appropriate agency for evaluation before filing a petition and that it is optional for the State Attorney to file a CINS petition are eliminated.

Two new definitions are added. "Truancy court" is defined as the circuit court's chosen delegation of authority to a hearing officer, who hears the truancy petition and can order sanctions. The "truancy petition" is defined as a petition filed by the superintendent alleging that a student has more than 15 unexcused absences in a 90 calendar day period. The petition is filed in truancy court and processed under the provisions of s. 984.151, F.S.

**Section 58: Truancy Court** (Creates s. 984.151, F.S.)

The truancy petition is processed as follows:

- Petition is filed in circuit court where student is enrolled in school.



- Original jurisdiction to hear truancy petition is the circuit court, which may delegate authority to a special hearing master trained in truancy issues.
- Petition must contain student's name, age, address; parent's name and address; school of enrollment; efforts made by school to get student to attend; number of out-of-school contacts between the school system and the parents; number and dates of missed school days; sworn statement by superintendent.
- Truancy court shall hear the petition within 30 days of filing.
- Student and parent are required to attend hearing.
- If court determines that student did miss school, it will order the student to attend school and the parent to ensure that the student attends. It may also order alternative sanctions for the student, including alternative education for up to 6 months; parental participation in homemaker or parent aide services; mental health services; services provided by volunteer or community agencies, or vocational, job training or employment services.
- Referral to case staffing committee if student does not successfully complete ordered sanctions. Recommendation to case staffing committee will be to file a CINS petition.

### **Section 59: Miscellaneous / Technical**

This section reenacts ss. 24.121(5)(b), and (c), 120.81(1)(b), 228.056 (9)(e), 228.0565(6)(b), (c), and (d), 228.301(1), 229.551(1)(c) and (3), 230.03(4), 230.2316(4)(b), 231.24(3)(a), 231.36(3)(e) and (f), 232.2454(1), 232.246(5)(a) and (b), 232.248, 232.2481(1), 233.09(4), 233.165(1)(b), 233.25(3)(b), 236.08106(2)(a) and (c), 236.685(6), 239.101(7), 239.229(1) and (3), 240.118(4), and 240.529(1), F.S., to incorporate and update amendments to sections or subdivisions of the Florida Statutes included in the bill.

### **Section 60: Severability**

Provides for severability.

### **Section 61: Effective Date**

Provides an effective date of upon becoming law, except as otherwise specifically provided.

## **III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

### **A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

#### **1. Non-recurring Effects:**

\$12 million is required for development and field testing of additional tests required for expansion of statewide student assessments.

Funding for 1 year startup grants for school districts seeking partnership with a private entity to operate a second chance school is subject to legislative appropriation.

#### **2. Recurring Effects:**

\$6.3 million is required for annual administration of student assessments.

\$381,000 will be saved from elimination of the Florida Commission on Education Reform and Accountability.

Funding for the Supplemental Academic Instruction Categorical is subject to legislative appropriation.

Approximately \$6.6 million will be required for the pilot project to raise the compulsory school attendance age to 18 in 3 districts.

The fiscal impact for the operations of new second chance schools that will be created through the startup grants is indeterminate.

Approximately \$23.8 million will be required to fund the estimated 5% of children who are five years old and who currently do not attend school.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Local school districts may have increased transportation costs for students opting to attend higher performing public schools within the district.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Parents or guardians of eligible students who choose to send their child to a higher performing public school in an adjacent district must provide for the transportation costs of that student.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

**Expanded Student Assessment Program**

The expansion of the statewide assessment program is estimated to cost \$18.3 million.

**Opportunity Scholarship Program**

The Opportunity Scholarship Program is *revenue neutral* to the State.

Local school districts may have increased transportation costs in order to provide transportation to public school students whose parents choose to send the student to another public school within the district.

**Supplemental Academic Instruction Categorical**

Funding for the Supplemental Academic Instruction Categorical Fund is subject to legislative appropriation. The Governor's budget recommends \$313 million for 1999-2000.

**Professional Development Academies**

Funding for Professional Development Academies is subject to legislative appropriation. The Governor's budget recommends \$6 million for 1999-2000.

**Pilot Projects**

Approximately \$6.6 million will be required for the 3 district pilot projects to raise the compulsory school attendance age to 18.

**Start up Grants**

Funding for second chance school startup grants is subject to legislative appropriation. The Governor's budget recommends \$2 million for 1999-2000.

**Compulsory Kindergarten Attendance**

Approximately \$23.8 million will be required to fund mandatory kindergarten requirements. This estimate may be high if district pupil progression plans already include kindergarten attendance as requirement.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 16, the Committee on Education Appropriation passed the Committee Substitute with a vote of 9 to 5. In addition one amendment, which is traveling with the bill, was approved, with a vote of 9 to 5. The amendment allows the Florida State University Developmental Research School to provide funds from the Florida Education Finance Program or the Discretionary Lottery fund to pay postsecondary institutions for costs associated with remediation of students in reading, writing, or math who have graduated from the lab school.

VII. SIGNATURES:

COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:

Prepared by:

Staff Director:

Ouida J. Ashworth, Patricia W. Levesque

Lynn C. Cobb, Robert L. Ward

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

William Cecil Golden

John Newman