

STORAGE NAME: h0751s1z.tfs

DATE: June 22, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE SELECT COMMITTEE ON
TRANSFORMING FLORIDA SCHOOLS
FINAL ANALYSIS**

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

RELATING TO: Education

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

COMPANION BILL(S): SB 1756, SB 1646, and SB 2050

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)

I. FINAL ACTION STATUS:

PASSED BY THE LEGISLATURE - CHAPTER #99-398, Laws of Florida.

On April 28, 1999, the House adopted the conference committee report on CS/HBs 751, 753, and 755 [YEAS 70, NAYS 48]. On April 30, 1999, the Senate adopted the conference committee report [YEAS 25, NAYS 15]. The bill was presented to the Governor on June 15, 1999, and on June 21, 1999, the bill was signed into law by the Governor.

II. SUMMARY:

The bill 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 schools failing for 2 years in a 4-year period 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 decision making regarding school accountability and recognition.
- 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 in the 1999-2000 GAA is \$527,036,284 (Specific appropriation 110A). Specific appropriation 111 provides \$12 million for public school choice incentive grants. The Opportunity Scholarship Program is revenue neutral to the State, as the appropriated education dollars follow the student.

The bill addresses issues concerning **teacher quality**, including the following:

- Requirements for performance pay and penalties for nonimplementation.
- Enhanced standards for teacher preparation programs and 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 inservice training for professional educators.

The 1999-2000 GAA provides \$10 million for teaching activities to implement the Professional Development Academies (Specific appropriation 54A).

The bill addresses issues concerning **school safety and truancy reduction**, 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.
- Manatee county pilot program to raise the compulsory school attendance age to 18 years.
- Adjustment of FTE membership by an average daily attendance factor.
- New truancy procedures.

Proviso language in Specific Appropriation 109 of the 1999-2000 GAA authorizes the reporting of FTE for funding for the Manatee pilot program. 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 second chance schools is subject to legislative appropriation. The 1999-2000 GAA provides \$2 million for the second chance schools startup grants (Specific appropriation 105).

III. 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.

The Department of Education (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.

The Office of Program Policy Analysis and Government Accountability (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, full-time equivalent (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.

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

Yes, the bill states that no student should 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 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?

No.

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, 228.041, 228.053, 228.054, 228.056, 228.2565, 233.17, 236.013, 236.685, 239.101, 239.229, 239.505, 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, 231.36, 231.546, 231.600, 230.2316, 231.085, 232.09, 232.17, 232.19, 232.246, 232.271, 236.081, 236.08106, and 984.03, F.S.

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

Reenacts ss. 24.121, 120.81, 228.301, 229.551, 230.03, 231.24, 231.36, 232.2454, 232.246, 232.248, 232.2481, 233.09, 233.165, 233.25, 239.229, and 240.118, 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**. "2 years in a 4 year period" means if a school has an "F" in one year and in any of the prior 3 years, then the school would be considered failing for 2 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.

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 exceptionality 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 Program eligibility, school district obligations, private school eligibility, program participation obligation, funding and payment, liability, and rulemaking. The Opportunity Scholarship Program places on equal footing options of both public and private (including sectarian and nonsectarian) school choice.

Private School 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 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 provisions for the opportunity scholarship do not apply to a student enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs.

The opportunity to continue attending a private school remains in force until the student reenters the public school system or, if the student chooses to attend a private school the highest grade of which is grade 8, until the student matriculates to high school and the public high school to which the student is assigned is an accredited school with a grade of "C" or better. However, the student's parent or guardian may choose to return the student to an eligible public school at any time, upon reasonable notice to the department.

School District Obligations/Public School Opportunity Scholarships

For each student enrolled in or assigned to a school designated "F" for two school years within a 4-year period (for school designations in the 1998-1999 school year, "A"- "F" corresponds with "Levels V-I", respectively, in state board rule), the school district must do the following:

- timely notify the student's parent or guardian of all Opportunity Scholarship Program options, and
- offer the student's parent or guardian an opportunity to enroll the child in a public school within the district 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 school district, and who participate in this program, remain eligible to receive services from the 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:

- Demonstrate fiscal soundness by being in operation for 1 school year or provide DOE with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner(s) have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the opportunity scholarship funds for any quarter may be filed with the department.
- Except for the first year of implementation, notify DOE and the local school district of its intent to participate in the Opportunity Scholarship Program by May 1 of the school year preceding the school year in which it intends to participate. The notice must specify the grade levels and services available for the program.
- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.
- Meet state and local health and safety laws and codes.
- Accept opportunity scholarship students, on a random and religious-neutral basis, without regard to the student's past academic history. (Preference may be given to siblings of students already accepted under the program).
- Be subject to instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic accrediting body and be academically accountable to the parent or guardian as meeting the educational needs of the student. The private school must furnish a school profile which includes student performance information.
- Employ or contract with teachers who hold a baccalaureate or higher degree, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.
- 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.
- Adhere to the tenets of the private school's published disciplinary procedures prior to the expulsion of any opportunity scholarship student.

Obligation of Opportunity Scholarship 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.

A participant who fails to comply with the requirements of program participation *forfeits* the opportunity scholarship.

Private School Opportunity Scholarship Funding and Payment

The *maximum* opportunity scholarship granted to attend a private school shall be a calculated amount that is equivalent to the base student allocation multiplied by the appropriate cost factor for the educational program that would have been provided in the assigned district school 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.

A public or private school that provides services to students with disabilities must receive the weighted funding consistent with s. 236.025, F.S., for such services.

For purposes of calculating the opportunity scholarship, a student will be eligible for the amount of the basic cost factor if:

- 1) the student currently participates in Group 1 and is not identified as having a disability, or
- 2) the student currently participates in Group 2 and the parent has chosen a private school that does *not* provide additional services funded by Group 2 programs.

Following annual notification on July 1 of the number of private school 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.

Upon proper documentation, reviewed and approved by DOE, the Comptroller must make private school opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each school year. The initial payment must be made after DOE verification of admission acceptance, and subsequent payments must be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent or guardian and mailed by DOE to the private school of the parent's or guardian's choice, and the parent or guardian must restrictively endorse the warrant 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: Pilot Program (Creates new section)

A pilot program which is separate and distinct from the Opportunity Scholarship Program is created in Sarasota County to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least 2 areas has not met expected levels for the previous year, as determined by the student's individual education plan (IEP).

Student participation is limited in the first year to 5 percent of the students with disabilities in the school district, in the second year to 10 percent of the students with disabilities in the school district, and in the third and subsequent years to 20 percent of students with disabilities in the school district.

Private School Eligibility

To be eligible to participate in the pilot program, private schools must meet all of the requirements of private schools participating in the Opportunity Scholarship Program, except for the accreditation requirements of s. 229.0537(4)(f), F.S. Private schools participating in the Opportunity Scholarship Program must make a separate notification to DOE and the school district of their intent to participate in the pilot program.

School District Obligation

The school district that participates in the pilot program must comply with s. 229.0537(3)(a)2., (c), and (d), F.S. These requirements are as follows:

- The school district must offer the student's parent or guardian the opportunity to enroll the student in a public school within the district that has a higher grade than the school in which the student is currently enrolled or assigned, but not less than a "C."
- The school district must provide locations and times to take all statewide assessments.
- Students with disabilities who are eligible to receive services under federal or state law, and who participate in the pilot program, remain eligible to receive services from the school district as provided by federal or state law.

Scholarship Funding

The amount of the scholarship in the pilot program must be *equal* to the amount the student would have received under the FEFP in the public school to which the student is assigned.

Pilot Program Participant Eligibility

To be eligible for a scholarship under the pilot program, a student or parent must do the following:

- Comply with the eligibility criteria of s. 229.0537(2)(b), F.S., relating to obtaining acceptance in an eligible private school, and comply with all criteria of s. 229.0537, F.S., relating to students with disabilities.
- For the school year immediately prior to the year in which the pilot program scholarship will be in effect, the parent or guardian must have documented the student's failure to meet specific performance levels identified in the IEP; or, absent specific performance levels identified in the IEP, the student must have performed below grade level on state or local assessments and the parent must believe that the student is not progressing adequately toward the goals in the IEP.
- The parent or guardian must have requested the pilot program scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

The provisions of s. 229.0537(6) and (8), F.S., relating to Opportunity Scholarship Program Funding and Payment and SBE rulemaking ability must apply to the pilot scholarship program for students with disabilities. The pilot scholarship program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

Section 4: 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 5: 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 6: 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 7: 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 is the lowest performing designation and School Performance Level 5 is 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 science. Science proficiency must be measured statewide beginning in 2003. 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 will be analyzed and reported to parents, the community, and the state, and 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. State board rule may exempt specialized populations of students for which standardized testing is not appropriate.

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. The provisions of s. 228.093, F.S., relating to privacy of student records apply to the Commissioner's annual report.

School Performance Grade Categories

School Performance Grade Category Designations ("school grades") 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, any of the 4 schools identified as critically low performing based on both 1996-97 and 1997-98 school performance data and state board-adopted criteria, and which 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 in a 4-year period. 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 as specified in SBE rule. The rule must provide that the increased budget authority must remain in effect until the school's grade declines.

Student assessment data used in determining a school grade must include: 1) the median scores of all eligible students enrolled in the school who were assessed on the FCAT, and 2) the median scores of all eligible 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.

DOE must study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students. 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

DOE may contract for the development of annual assessments. The statewide assessments must comply with the following criteria:

- Assessments for each grade level must be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.
- Assessments must be capable of measuring the annual progress of each student in mastering the Sunshine State Standards.
- Assessments must include measures in reading and mathematics in every grade level and measures for writing and *science* in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.
- Assessments must be designed to protect the integrity of the data and prevent score inflation.
- The statistical system must use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:

- 1) Must be determined using available data from the FCAT, and other data as deemed appropriate by DOE, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effect" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.
 - 2) Must, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.
- The statistical system must provide for an approach which provides for best linear unbiased prediction of the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of nontraditional classroom settings.
 - 1) DOE, in consultation with OPPAGA, and other sources, must use recognized approaches to statistical variance and estimating random effects.
 - 2) The approach used by DOE must be approved by the SBE before implementation.
 - Assessments must include a norm-referenced subtest.
 - The annual testing program must be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. 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. A comparable amount of instructional time must be measured in all school districts.

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

The school districts are responsible for developing/implementing assessments of the learning gains of students in all subjects (e.g., art, music, physical education, etc.) and all grade levels (e.g., K-2) that fall outside the statewide assessment program.

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 8: District and School Advisory Councils (Amends s. 229.58, F.S.)

This section is amended to remove a reference to the Florida Commission on Education Reform and Accountability.

Section 9: 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.
- Revises requirements to provide that "D" or "F" schools receive sufficient assistance and intervention for improvement.
- 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 10: 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 and reassigns duties to the Commissioner.
- Adds *priorities* for DOE technical assistance and training to schools designated "D" and "F."
- Requires DOE to assign a community assessment team to each school district with a school designated as "D" or "F" to review and make recommendations for assistance and intervention.
- 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.
- Schools designated as grade "A" must, if requested by the school, be given deregulated status.
- Schools having improved at least 2 grade levels and that meet the criteria of the Florida School Recognition Program may be given deregulated status.
- Corrects cross references and deletes obsolete language.

Section 11: 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, leaving the Commissioner as the person responsible for implementing and maintaining a system of school improvement and education accountability. The Commissioner will report to the Legislature and recommend changes in state policy necessary to foster this improvement and accountability.

Section 12: 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 13: 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 14: 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:

Assistance and Intervention

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.

Performance-Pay Policies

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.

School Improvement Plans

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:

Assistance and Intervention

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 in any 4 year period. 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.
- Authorizes school boards to declare a state of emergency when 1 or more schools within a district are failing or in danger of failing to implement programs and strategies to improve student performance.

Performance-Pay Policies

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.

School Improvement Plans

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

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, student learning gains, graduation rates, and cohort graduation rates to 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.

Subsection (4) provides that 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.

Subsection (5) provides that 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.

(These two subsections, passed in 1997 in different bills, 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. Retention must be in an intensive program that is different from the previous year's program and takes into account that student's learning style. School boards must allocate remedial and supplemental instructional resources first to students who fail to meet achievement performance levels required for promotion. These performance levels must encompass reading, writing, *science*, and math for each grade level.

The SBE must adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels. The rules must address the promotion of students with limited English proficiency (LEP) and students with disabilities. School districts must consider an appropriate alternative placement for any student who has been retained for 2 or more years.

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 and the Florida Commission on Education Reform and Accountability.

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

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

Section 20: Educational Funding Accountability (Amends s. 236.685(6), F.S.)

This section corrects cross references relating to educational funding accountability.

Section 21: 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 22: 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 an 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 supplemental instruction to students in kindergarten through grade 12. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. 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 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.

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 juvenile justice education programs. 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.

Each school district receiving funds from the Supplemental Academic Instruction Categorical must submit to DOE a plan which identifies the students to be served and the scope of supplemental academic instruction to be provided. Districts must also submit information through DOE's database documenting the district's progress in the areas of academic improvement, graduation rate, dropout rate, attendance rate, and retention/promotion rate. DOE must compile this information into an annual report which must be submitted to the presiding officers of the Legislature by February 15.

The FSU School is authorized to expend from its FEFP or Lottery allocation the cost to the student of remediation in reading, writing, or math for any graduate who requires remediation at a postsecondary institution.

Section 23: Definitions (Amends s. 236.013(2)(c), F.S.)

This section eliminates obsolete language and 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 to conform to the new supplemental academic instruction categorical.

Section 24: Legislative Intent (Amends s. 239.101(7), F.S.)

This section eliminates cross references relating to the Florida Commission on Education Reform and Accountability.

Section 25: Vocational Standards (Amends s. 239.229(1), F.S.)

This section eliminates cross references relating to the Florida Commission on Education Reform and Accountability.

Section 26: Allocation of Revenue (Reenacts and amends s. 24.121(5)(b), (c), and (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 school advisory council membership composition.

EFFECT OF PROPOSED CHANGES:

Effective July 1, 2002, failure of a district to adopt and implement a performance pay policy as required by s. 230.23(5), F.S., will also result in withholding allocations from the EETF.

Section 27: Deregulated Public Schools (Amends s. 228.0565(6)(b), (c), and (d), F.S.)

This section reenacts cross references and conforms testing references and revises elements of the annual report relating to deregulated public schools.

Section 28: Exceptions and Special Requirements (Reenacts s. 120.81(1)(b), F.S.)

This section reenacts provisions relating to tests, test scoring criteria, and testing procedures to incorporate amendments included in the bill.

Section 29: Test Security (Reenacts s. 228.301(1), F.S.)

This section reenacts provisions relating to test security to incorporate amendments included in the bill.

Section 30: Educational Management (Reenacts s. 229.551(1) and (3), F.S.)

This section reenacts provisions relating to educational management to incorporate amendments included in the bill.

Section 31: School District Management (Reenacts s. 230.03(4), F.S.)

This section reenacts provisions relating to school district management, control, operation, administration, and supervision to incorporate amendments included in the bill.

Section 32: Professional Certificate Renewal Process (Reenacts s. 231.24(3)(a), F.S.)

This section reenacts provisions relating to the process for renewal of professional certificates to incorporate amendments included in the bill.

Section 33: Instructional Contracts (Reenacts s. 231.36(3)(e) and (f), F.S.)

This section reenacts provisions relating to contracts with instructional staff, supervisors, and principals to incorporate amendments included in the bill.

Section 34: District Student Performance Standards (Reenacts s. 232.2454(1), F.S.)

This section reenacts provisions relating to district student performance standards, instruments, and assessment procedures to incorporate amendments included in the bill.

Section 35: High School Graduation Requirements (Reenacts and amends s. 232.246(5), F.S.)

This section reenacts and amends provisions relating to general requirements for high school graduation to incorporate amendments included in the bill.

Section 36: Confidentiality of Assessments (Reenacts s. 232.248, F.S.)

This section reenacts provisions relating to confidentiality of assessment instruments to incorporate amendments included in the bill.

Section 37: Graduation and Promotion Requirements (Reenacts s. 232.2481(1), F.S.)

This section reenacts provisions relating to graduation and promotion requirements for publicly operated schools to incorporate amendments included in the bill.

Section 38: Evaluation of Instructional Materials (Reenacts s. 233.09(4), F.S.)

This section reenacts provisions relating to duties of instructional materials committees to incorporate amendments included in the bill.

Section 39: Standards for Selection (Reenacts s. 233.165(1)(b), F.S.)

This section reenacts provisions relating to the selection of instructional materials to incorporate amendments included in the bill.

Section 40: Duties of Publishers (Reenacts s. 233.25(3)(b), F.S.)

This section reenacts provisions relating to publishers and manufacturers of instructional materials to incorporate amendments included in the bill.

Section 41: Vocational Standards (Reenacts s. 239.229(3), F.S.)

This section reenacts provisions relating to vocational standards to incorporate amendments included in the bill.

Section 42: Postsecondary Feedback (Reenacts s. 240.118(4), F.S.)

This section reenacts provisions relating to postsecondary feedback of information to high schools to incorporate amendments included in the bill.

Section 43: Graduation and Dropout Rate (Amends s. 228.041(29), (40), and (42), F.S.)

CURRENT SITUATION:

Dropout

A dropout is defined as a student not subject to compulsory school attendance, who meets any one or more of the following criteria:

- The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and does not receive a certificate of completion.
- The student has not met the relevant attendance requirements of the school district, or the student was expected to attend school, but did not enter for unknown reasons, or the student's whereabouts are unknown.
- The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, or alternative educational program.
- The student has withdrawn from school due to hardship, unless the withdrawal was granted for court action, expulsion, medical reasons, or pregnancy.
- The student is not eligible to attend school because of reaching the maximum age for an exceptional student program.

Students not exempt from attendance pursuant to meeting the compulsory age requirements (6-16 years old), and who are subject to compulsory school attendance, and who stop attending school are defined as habitual truants and are not considered dropouts.

Graduation Rate

Subsection 228.041(40), F.S., defines "graduation rate" as the percentage calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, special diploma, or certificate of completion, or who receive a special certificate of completion, and students 19 years of age or younger who receive a GED. The number of 9th grade students used in the calculation of a graduation rate must be students enrolling in the grade for the first time.

The two main criticisms of the current formula have been: 1) its inaccuracy of presenting a true graduation rate. Since the formula does not track individual students progressing through the public school system, it is possible to have school or district graduation rates greater than 100% when the graduating class of a particular year is larger than the entering 9th grade class 4 years prior, and 2) the formula does not account for transfer or withdrawal students.

Dropout Rate

Subsection 228.042(42), F.S., defines "dropout rate" as the annual percentage calculated by dividing the number of students over the age of compulsory school attendance at the time of the fall membership count, into the number of students who withdraw from school during a given school year and are classified as dropouts.

The major criticism of the current formula is that it is based on a compulsory attendance age and not on actual student dropouts. If a student begins 9th grade at age 15 and drops out in November of the school year, the student is considered habitually truant -- even if the student never returns to the school system during that year.

The Commissioner was required in proviso language in the 1998-99 GAA to recommend to the Legislature a procedure to accurately calculate a graduation rate and a dropout rate measure for all schools and school districts in Florida.

EFFECT OF PROPOSED CHANGES:

Dropout

This section amends the definition of "dropout" to encompass all students meeting certain statutorily established criteria, irrespective of age. It adds that a student enrolled in a home education program is not a dropout.

Graduation Rate

This section amends the definition of "graduation rate" to accommodate students who transfer in and out of the school system, withdraw to attend an authorized education program such as private school, home education program, or an adult education program, or who are deceased. Students will not be counted in the graduation rate unless they receive a standard high school diploma or its equivalent.

DOE must conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. DOE must report its findings to the Legislature by February 1, 2000. DOE is also authorized to calculate a 5-year graduation rate using the same methodology established for the 4-year rate.

Dropout Rate

This section amends the definition of "dropout rate," redesignating it a "high school dropout rate" and revising it to encompass all students in grades 9 through 12 who are defined as "dropouts." The new definition is defined relative to the number of students in attendance at any time during the year rather than just during the fall membership count. DOE must report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.

Section 44: Charter Schools (Amends s. 228.056(9)(f), F.S.)

This section conforms references to testing programs.

Section 45: Teacher Quality (Creates s. 231.002, F.S.)

Legislative intent is to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. Legislative purpose is to raise standards for certifying professional educators, establish a statewide system for inservice professional development, increase accountability for postsecondary programs that prepare future educators, and increase accountability for administrators who evaluate teacher performance. To these ends, 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 46: Qualifications of Personnel (Amends s. 231.02(1), F.S.)

This section corrects a reference to the Department of Health.

Section 47: 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:

Each school board shall adopt and implement an objective-based process for screening and selection of assistant principals and principals. This process must meet criteria approved by the SBE. 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 48: 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:

In addition to current duties, principals are assigned the responsibility for performance of school personnel assigned to their school. They are required to faithfully and effectively apply the personnel assessment system approved by the school board. The school board must establish rules relating to principals' duties. These will include instructional leadership in implementing the Sunshine State Standards and the overall educational school program.

Section 49: 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 50: 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 work diligently to help students meet or exceed annual learning goals and 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, including technology-based instruction.

Section 51: 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 assist any teacher teaching out-of-field. Out-of-field teachers must participate in a certification or staff development program designed to ensure that the teacher has the competencies required for the assigned duties. 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.

Section 52: 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. Adequate pedagogical knowledge must include the use of technology to enhance student learning.

Section 53: 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 must establish competencies including the use of *technology* to enhance student learning. 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 2 years of satisfactory evaluations that considered student 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 who voluntarily renders service and is not a school district employee does not have to hold a certificate.

Section 54: 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 general knowledge, professional knowledge, and subject matter knowledge in mastery of 15 minimum competencies, including:

- Writing, reading, and fundamental math;
- Professional skills and knowledge of the standards and ethics of professional practice;
- 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);
- Instructional needs and development and educational needs of students;
- 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, compute, and use technology for classroom instruction*. 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 mastery of general knowledge.

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

- Comprehend and work with *algebra* as part of comprehension of mathematical concepts.
- Recognize signs of students' reading difficulties and apply appropriate measures to improve reading.
- 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.
- Recognize the early signs of truancy and identify interventions.
- 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.

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 55: 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 under supervision of a regularly employed, certified teacher, *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 56: 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 57: 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. Beginning with full implementation of annual learning gains, such personnel assessments must be based *primarily* on student performance. The ability to plan and deliver instruction is amended to include the use of technology in the classroom. 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.

If an employee is assigned to school designated as "D" or "F" and was rated unsatisfactory on any function related to the employee's instructional or administrative duties, the superintendent, in consultation with the employee's evaluator, must review the employee's performance assessment. The superintendent must notify the school board if the superintendent determines that the lack of general knowledge, subject area expertise, or other professional competencies contributed to the employee's unsatisfactory performance. The school board must require those employees, as part of their probation, to take and receive a passing score on a test of general knowledge, subject area expertise, or professional competencies, as appropriate.

Only employees who hold a professional service contract as provided in s. 231.36, F.S., may be placed on 90-day performance probation.

Section 58: Contracts with Instructional Staff (Amends s. 231.36(1), (4), and (6), F.S.)

The SBE is authorized to define by rule misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude for purposes of dismissal of personnel during the contract period.

Section 59: 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 60: 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 as well as student 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 61: Excellent Teaching Program (Amends s. 236.06106(2), (3), and (4), F.S.)

Based on the large number of teacher applicants, this section removes the 50 percent incentive bonus to school districts for teachers who apply to the Excellent Teaching Program and adds provisions for the repayment of the certification fee within 60 days of notice of default by the employee through payroll deductions. The SBE is authorized to adopt rules for implementation of the payment of fee subsidies, incentives, bonuses, and repayment of defaulted certification fees. Removal of the bonus to districts will free up additional dollars to serve more teachers. Default of repayment is not cause for dismissal. The SBE has rulemaking authority for payment and repayment.

Section 62: 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. 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.

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 has a GPA of 2.5 for the general education component of undergraduate studies
3. Student has 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.

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:

Revises legislative recognition to state that skilled teachers make an important contribution to a system that allows students to obtain a high-quality education, and 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. To further this intent, the Commissioner must appoint a Teacher Preparation Program Committee to establish core curricula in each state-approved teacher preparation program. The curricula must be focused on knowledge and skills essential to instruction in the Sunshine State Standards, with emphasis on reading at all grade levels. The committee will report to the SBE by January 1, 2000, and the SBE must establish the uniform core curricula by rule.

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.
- Adequate instruction in the use of technology at the appropriate grade level.
- 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 and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of graduates. This must be reported in a uniform manner approved by the SBE and consistent with definitions and methods approved by the National Center for Education Statistics under section 207 of the Higher Education Act of 1998.
- 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.

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: 1) 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; and 2) 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, strategies for incorporating technology into classroom instruction, and ways to link instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

Section 63: 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. Six regional area centers exist, using a combination of local, state, and federal funds, and there are five Florida Academies for Excellence in Teaching, funded from federal Goals 2000 funds.

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 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 collaborative efforts of 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 from participating districts, 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 through fees, grants, or private donations.
- 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 64: Purposes, Intent for Inservice Training (Repeals s. 231.601, F.S.)

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

Section 65: Dropout Prevention and Academic Intervention Act (Amends s. 230.2316, F.S.)

This section amends the dropout prevention statute to include academic intervention and supplemental instruction throughout. Legislative intent is revised to emphasize that school boards are encouraged to develop and establish dropout prevention and academic intervention activities designed to meet the needs of students who do not perform well in traditional educational programs.

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 Development 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 alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures. The educational program must provide *character* and law education, along with curricula and related services leading to improved academics, attendance, and discipline. Dropout prevention programs are *expanded* to include eligible students in

grades 1 through 3 as well as 4 through 12. Students in the program are reported in the appropriate basic cost factor in the FEFP.

Notwithstanding any other provision of law to the contrary, no student must be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family.

The school principal must provide written notice by certified mail, return receipt requested to the student's parent or guardian prior to a student's placement in a dropout prevention and academic intervention program. The parent or guardian must sign an acknowledgment of the notice of placement and return the signed acknowledgment to the principal within 3 days after receipt of the notice.

Student eligibility criteria are heavily revised. To be eligible to receive services funded through the dropout prevention and academic intervention program, students are to be identified as (1) being academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing, or (2) having a pattern of excessive absenteeism or being habitually truant. Other eligibility criteria that refer to students who have shown a lack of motivation, students identified using district criteria, students who have documented drug-related or alcohol-related problems, and students assigned to a program sponsored by a state or community based agency or an agency operated or contracted for by the Department of Children and Families or the Department of Juvenile Justice, are deleted. Students seeking to reenter traditional schools must complete a character development and law education program and demonstrate preparedness to reenter the regular school setting. The current requirement for an evaluation of these students by school district personnel is eliminated.

The annual reports submitted by school districts for dropout prevention and academic intervention programs must include information about the graduation rate, dropout rate, attendance rate, and retention/promotion rate of students in those programs. Requirements that district school boards ensure that adequate staff development activities are available for dropout prevention staff and that staff participate in those activities are deleted.

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 66: 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 school improvement plan (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 67: Pilot Project 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:

Manatee County school board is required to implement a pilot project to raise the compulsory age of attendance from 16 to 18. The pilot project applies to each child who has not turned 16 years old by September 30 of the school year in which the policy is adopted. The district will not have the option of accepting a 16 year old's declaration of intent to terminate. The 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 school board 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.

The school board must evaluate the effect of its adopted policy and provide annual reporting by August 1.

Section 68: Parental Responsibility for School Attendance (Amends s. 232.09(2), F.S.)

This section clarifies that criminal prosecution under chapter 232, F.S., against a parent or guardian having control of a child requires that the provisions of s. 232.17(2), F.S. have been followed. This clarification was requested by the state attorneys to alleviate a glitch that had the unintended consequence of requiring compliance with chapter 232, F.S., before the exercising criminal code options under other chapters.

Section 69: 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 activities were 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 timely 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 calendar 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 interventions.

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 a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, then the parent, guardian, or the superintendent or designee must refer the case to the case staffing committee, and the superintendent or designee may file a truancy petition.

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. The superintendent may file a truancy petition pursuant to s. 984.151, F.S.

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.

Escalating activities -- Requirements relating to the series of escalating activities and resuming the activities are deleted.

Section 70: 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 pursuant to s. 984.151, F.S., 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 calendar 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 for a series of escalating activities, including that a child have educational counseling and educational evaluation before a petition is filed, are eliminated.

Section 71: Removal by Teacher (Amends s. 232.271, F.S.)

This section corrects a cross reference relating to the dropout prevention and academic intervention program.

Section 72: 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 by school and by district; 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 73: Florida Constructive Youth Program (Amends s. 239.505(4)(a), F.S.)

This section conforms references to the dropout prevention and academic intervention act.

Section 74: Definitions of Habitually Truant and Truancy Petition (Amends s. 984.03(29), and (57), 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 or other appropriate jurisdictional agency *shall*, rather than may, file a CINS petition unless it is determined 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.

A new definition is added. 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 and processed under the provisions of s. 984.151, F.S.

Section 75: Truancy Petition (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 general or special master pursuant to Supreme Court rules.
- 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 followed by mandatory community service hours for up to 6 months; student and parental participation in homemaker or parent aide services, crisis counseling, 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 76: Not-for-Profit Associations

This section requires the SBE to adopt rules necessary to ensure that not-for-profit, professional teacher associations which offer membership to all teachers, noninstructional personnel, and administrators, and which offer teacher training and staff development at no fee to the district be given equal access to voluntary teacher meetings, be given equal access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deductions.

Section 77: Severability

Provides for severability.

Section 78: Effective Date

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

IV. 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 \$2.2 million will be required for the Manatee County pilot project to raise the compulsory school attendance age to 18.

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

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 1999-2000 GAA provides \$527,036,284 (Specific appropriation 110A).

Professional Development Academies

Funding for Professional Development Academies is subject to legislative appropriation. The 1999-2000 GAA provides \$10 million for teaching academies (Specific appropriation 54A).

Pilot Project

Approximately \$2.2 million will be required for the Manatee County pilot project to raise the compulsory school attendance age to 18. (Proviso language in Specific appropriation 109 authorizes Manatee County to report FTE in the FEFP to fund this project).

Start up Grants

Funding for second chance school startup grants is subject to legislative appropriation. The 1999-2000 GAA provides \$2 million for the startup grants (Specific appropriation 105).

V. 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.

VI. COMMENTS:

The Journal of the House of Representatives, Number 21, Wednesday, April 28, 1999, p. 1555:

Statement of Legislative Intent on CS/HBs 751, 753 & 755

On motion by Rep. Pruitt, the rules were suspended and the following statement was ordered spread upon the Journal, in order to establish legislative intent:

Rep. Feeney: *The Opportunity Scholarship Program is not intended to promote private schools over public schools, or to favor sectarian schools over nonsectarian schools, or to encourage any form of discrimination by parents or schools. The program has been carefully designed and narrowly tailored to further a compelling state interest in providing all of Florida students with a quality education. It has also been crafted with great sensitivity to avoid any entanglement of Church and State, and to ensure that all of Florida's students receive a quality education. The choice is yours. Do we give parents a choice to get their kids out of failing schools, or do we lock those children in forever? Please vote for the A+ Plan.*

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The conference report contains 55 differences from the bill which originally passed the House. These differences are reflected within the section by section analysis.

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DATE: June 22, 1999

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VIII. SIGNATURES:

SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:
COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:

Prepared by:

Staff Director:

Ouida J. Ashworth, Patricia W. Levesgue

Lynn C. Cobb, Robert L. Ward

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

William Cecil Golden

John Newman

FINAL ANALYSIS PREPARED BY THE SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:

Prepared by:

Staff Director:

Patricia W. Levesgue

Lynn C. Cobb