

1
2 An act relating to public school educational
3 instruction; creating s. 1003.415, F.S.;
4 providing the popular name the "Middle Grades
5 Reform Act"; providing purpose and intent;
6 defining the term "middle grades"; requiring a
7 review and recommendations relating to
8 curricula and courses; requiring implementation
9 of new or revised reading and language arts
10 courses; providing for implementation of a
11 rigorous reading requirement in certain
12 schools; requiring the Department of Education
13 to provide technical assistance; requiring a
14 study of the academic performance of middle
15 grade students and schools with recommendations
16 for an increase in performance; requiring a
17 personalized middle school success plan for
18 certain students; providing authority for State
19 Board of Education rulemaking and enforcement;
20 requiring the Department of Education to
21 conduct a study on physical education in public
22 schools; requiring a report to the Governor and
23 the Legislature; requiring the Department of
24 Education to develop a physical fitness
25 assessment instrument and support materials for
26 fitness assessment programs; amending s.
27 1001.42, F.S.; requiring a school improvement
28 plan to include the rigorous reading
29 requirement if applicable; requiring district
30 school boards to address student health and
31 fitness in school improvement plans; requiring

1 district school boards to adopt policies for
2 implementing student health and fitness
3 standards; creating s. 1003.455, F.S.;
4 requiring district school boards to develop
5 physical education programs; requiring district
6 school boards to adopt written physical
7 education policies; requiring that the policies
8 be provided to the Department of Education;
9 requiring school districts to implement
10 mandatory physical education under certain
11 circumstances; amending s. 1012.98, F.S.;
12 providing for the development of an
13 Internet-based clearinghouse at a public state
14 university for professional development
15 programs concerning physical education;
16 amending s. 1008.25, F.S.; requiring a
17 personalized middle school success plan to be
18 incorporated in a student's academic
19 improvement plan if applicable; amending s.
20 1012.34, F.S.; revising assessment criteria for
21 instructional personnel; providing an
22 appropriation; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 1003.415, Florida Statutes, is
27 created to read:

28 1003.415 The Middle Grades Reform Act.--

29 (1) POPULAR NAME.--This section shall be known by the
30 popular name the "Middle Grades Reform Act."

31

1 (2) PURPOSE AND INTENT.--The purpose of this section
2 is to provide added focus and rigor to academics in the middle
3 grades. Using reading as the foundation, all middle grade
4 students should receive rigorous academic instruction through
5 challenging curricula delivered by highly qualified teachers
6 in schools with outstanding leadership, which schools are
7 supported by engaged and informed parents. It is the intent of
8 the Legislature that students promoted from the eighth grade
9 will be ready for success in high school.

10 (3) DEFINITION.--As used in this section, the term
11 "middle grades" means grades 6, 7, and 8.

12 (4) CURRICULA AND COURSES.--The Department of
13 Education shall review course offerings, teacher
14 qualifications, instructional materials, and teaching
15 practices used in reading and language arts programs in the
16 middle grades. The department must consult with the Florida
17 Center for Reading Research at Florida State University, the
18 Just Read, Florida! Office, reading researchers, reading
19 specialists, and district supervisors of curriculum in the
20 development of findings and recommendations. The Commissioner
21 of Education shall make recommendations to the State Board of
22 Education regarding changes to reading and language arts
23 curricula in the middle grades based on research-based proven
24 effective programs. The State Board of Education shall adopt
25 rules based upon the commissioner's recommendations no later
26 than March 1, 2005. Implementation of new or revised reading
27 and language arts courses in all middle grades shall be phased
28 in beginning no later than the 2005-2006 school year with
29 completion no later than the 2008-2009 school year.

30 (5) RIGOROUS READING REQUIREMENT.--
31

1 (a) Beginning with the 2004-2005 school year, each
2 public school serving middle grade students, including charter
3 schools, with fewer than 75 percent of its students reading at
4 or above grade level in grade 6, grade 7, or grade 8 as
5 measured by a student scoring at Level 3 or above on the FCAT
6 during the prior school year, must incorporate by October 1 a
7 rigorous reading requirement for reading and language arts
8 programs as the primary component of its school improvement
9 plan. The department shall annually provide to each district
10 school board by June 30 a list of its schools that are
11 required to incorporate a rigorous reading requirement as the
12 primary component of the school's improvement plan. The
13 department shall provide technical assistance to school
14 districts and school administrators required to implement the
15 rigorous reading requirement.

16 (b) The purpose of the rigorous reading requirement is
17 to assist each student who is not reading at or above grade
18 level to do so before entering high school. The rigorous
19 reading requirement must include for a middle school's
20 low-performing student population specific areas that address
21 phonemic awareness, phonics, fluency, comprehension, and
22 vocabulary; the desired levels of performance in those areas;
23 and the instructional and support services to be provided to
24 meet the desired levels of performance. The school shall use
25 research-based reading activities that have been shown to be
26 successful in teaching reading to low-performing students.

27 (c) Schools required to implement the rigorous reading
28 requirement must provide quarterly reports to the district
29 school superintendent on the progress of students toward
30 increased reading achievement.

31

1 (d) The results of implementation of a school's
2 rigorous reading requirement shall be used as part of the
3 annual evaluation of the school's instructional personnel and
4 school administrators as required in s. 1012.34.

5 (6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC
6 PERFORMANCE OF STUDENTS AND SCHOOLS.--

7 (a) The department shall conduct a study on how the
8 overall academic performance of middle grade students and
9 schools can be improved. The department must consult with the
10 Florida Center for Reading Research at Florida State
11 University, the Just Read, Florida! Office, and key education
12 stakeholders, including district school board members,
13 district school superintendents, principals, parents,
14 teachers, district supervisors of curriculum, and students
15 across the state, in the development of its findings and
16 recommendations. The department shall review, at a minimum,
17 each of the following elements:

18 1. Academic expectations, which include, but are not
19 limited to:

20 a. Alignment of middle school expectations with
21 elementary and high school graduation requirements.

22 b. Best practices to improve reading and language arts
23 courses based on research-based programs for middle school
24 students in alignment with the Sunshine State Standards.

25 c. Strategies that focus on improving academic success
26 for low-performing students.

27 d. Rigor of curricula and courses.

28 e. Instructional materials.

29 f. Course enrollment by middle school students.

30 g. Student support services.

31 h. Measurement and reporting of student achievement.

1 2. Attendance policies and student mobility issues.
2 3. Teacher quality, which includes, but is not limited
3 to:
4 a. Preparedness of teachers to teach rigorous courses
5 to middle school students.
6 b. Teacher evaluations.
7 c. Substitute teachers.
8 d. Certification and recertification requirements.
9 e. Staff development requirements.
10 f. Availability of effective staff development
11 training.
12 g. Teacher recruitment and vacancy issues.
13 h. Federal requirements for highly qualified teachers
14 pursuant to the No Child Left Behind Act of 2001.
15 4. Identification and availability of diagnostic
16 testing.
17 5. Availability of personnel and scheduling issues.
18 6. Middle school leadership and performance.
19 7. Parental and community involvement.
20 (b) By December 1, 2004, the Commissioner of Education
21 shall submit to the President of the Senate, the Speaker of
22 the House of Representatives, the chairs of the education
23 committees in the Senate and the House of Representatives, and
24 the State Board of Education recommendations to increase the
25 academic performance of middle grade students and schools.
26 (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--
27 (a) Beginning with the 2004-2005 school year, each
28 principal of a school with a middle grade shall designate
29 certified staff members at the school to develop and
30 administer a personalized middle school success plan for each
31 entering sixth grade student who scored below Level 3 in

1 reading on the most recently administered FCAT. The purpose of
2 the success plan is to assist the student in meeting state and
3 school district expectations in academic proficiency and to
4 prepare the student for a rigorous high school curriculum. The
5 success plan shall be developed in collaboration with the
6 student and his or her parent and must be implemented until
7 the student completes the eighth grade or achieves a score at
8 Level 3 or above in reading on the FCAT, whichever occurs
9 first. The success plan must minimize paperwork and may be
10 incorporated into a parent/teacher conference, included as
11 part of a progress report or report card, included as part of
12 a general orientation at the beginning of the school year, or
13 provided by electronic mail or other written correspondence.

14 (b) The personalized middle school success plan must:

15 1. Identify educational goals and intermediate
16 benchmarks for the student in the core curriculum areas which
17 will prepare the student for high school.

18 2. Be based upon academic performance data and an
19 identification of the student's strengths and weaknesses.

20 3. Include academic intervention strategies with
21 frequent progress monitoring.

22 4. Provide innovative methods to promote the student's
23 advancement which may include, but not be limited to, flexible
24 scheduling, tutoring, focus on core curricula, online
25 instruction, an alternative learning environment, or other
26 interventions that have been shown to accelerate the learning
27 process.

28 (c) The personalized middle school success plan must
29 be incorporated into any individual student plan required by
30 federal or state law, including the academic improvement plan
31 required in s. 1008.25, an individual education plan (IEP) for

1 a student with disabilities, a federal 504 plan, or an ESOL
2 plan.

3 (d) The Department of Education shall provide
4 technical assistance for districts, school administrators, and
5 instructional personnel regarding the development of
6 personalized middle school success plans. The assistance shall
7 include strategies and techniques designed to maximize
8 interaction between students, parents, teachers, and other
9 instructional and administrative staff while minimizing
10 paperwork.

11 (8) STATE BOARD OF EDUCATION AUTHORITY.--

12 (a) The State Board of Education shall have authority
13 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
14 implement the provisions of this section.

15 (b) The State Board of Education shall have authority
16 pursuant to s. 1008.32 to enforce the provisions of this
17 section.

18 Section 2. (1) The Department of Education shall
19 conduct a study to determine the status of physical education
20 instruction in the public schools and shall develop detailed
21 recommendations for changes to physical education programs. As
22 a part of the study, the Department of Education shall:

23 (a) Determine the number of public schools in the
24 state which have eliminated or reduced physical education
25 instruction;

26 (b) Assess current issues concerning personnel who
27 teach physical education and determine appropriate roles for
28 all personnel in expanding both physical education and other
29 physical activity for students;

30
31

1 (c) Determine the average length and frequency of
2 physical education classes in elementary, middle, and high
3 school, respectively, by school district;
4 (d) Determine the percent of physical education
5 classes taught by certified physical education instructors;
6 (e) Assess the degree to which individual schools
7 within a school district are allowed to add to or modify
8 district requirements for physical education;
9 (f) Assess the availability of fitness assessment
10 programs, such as the President's Challenge Physical Fitness
11 Program, which could be adopted by schools or an entire school
12 district in order to provide information regarding and
13 encourage student fitness;
14 (g) Determine the methods of providing feedback to a
15 parent through a student assessment report that would
16 summarize a student's results and the school's results as set
17 forth in an assessment tool, such as the Fitnessgram or the
18 School Health Index of the Centers for Disease Control and
19 Prevention; and
20 (h) Develop recommendations for the most efficient
21 ways to substantially increase the level of physical education
22 and physical activity for students in grades prekindergarten
23 through grade 5, grades 6 through 8, and grades 9 through 12,
24 by group.
25
26 The study results must also contain an assessment developed by
27 the Department of Education of the fiscal impact of any
28 recommended changes. The Department of Education shall submit
29 a report on the study to the Governor and the Legislature by
30 February 1, 2005.
31

1 (2) The Department of Education shall select or
2 develop by March 1, 2005, a physical fitness assessment
3 instrument that school districts may use in assessing and
4 reporting individual student fitness and a standard report
5 form for this information which may be provided to parents.

6 (3) By December 1, 2004, the Department of Education
7 shall develop support materials and distribute the materials
8 to each school district to enable implementation of fitness
9 assessment programs recommended pursuant to subsection (2).
10 The support materials must include the necessary instructions,
11 procedures, and forms to implement and successfully administer
12 the programs or reports. The department may develop and
13 distribute other support or informational materials it
14 determines may assist schools or school districts in improving
15 student health and fitness through local action.

16 Section 3. Paragraph (a) of subsection (16) and
17 paragraph (a) of subsection (17) of section 1001.42, Florida
18 Statutes, are amended to read:

19 1001.42 Powers and duties of district school
20 board.--The district school board, acting as a board, shall
21 exercise all powers and perform all duties listed below:

22 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
23 ACCOUNTABILITY.--Maintain a system of school improvement and
24 education accountability as provided by statute and State
25 Board of Education rule. This system of school improvement and
26 education accountability shall be consistent with, and
27 implemented through, the district's continuing system of
28 planning and budgeting required by this section and ss.
29 1008.385, 1010.01, and 1011.01. This system of school
30 improvement and education accountability shall include, but is
31 not limited to, the following:

1 (a) School improvement plans.--Annually approve and
2 require implementation of a new, amended, or continuation
3 school improvement plan for each school in the district,
4 except that a district school board may establish a district
5 school improvement plan that includes all schools in the
6 district operating for the purpose of providing educational
7 services to youth in Department of Juvenile Justice programs.
8 Such plan shall be designed to achieve the state education
9 priorities pursuant to s. 1000.03(5) and student performance
10 standards. In addition, any school required to implement a
11 rigorous reading requirement pursuant to s. 1003.415 must
12 include such component in its school improvement plan. Each
13 plan shall also address issues relative to budget, training,
14 instructional materials, technology, staffing, student support
15 services, specific school safety and discipline strategies,
16 student health and fitness, including physical fitness,
17 parental information on student health and fitness, and indoor
18 environmental air quality, and other matters of resource
19 allocation, as determined by district school board policy, and
20 shall be based on an analysis of student achievement and other
21 school performance data.

22 (17) LOCAL-LEVEL DECISIONMAKING.--

23 (a) Adopt policies that clearly encourage and enhance
24 maximum decisionmaking appropriate to the school site. Such
25 policies must include guidelines for schools in the adoption
26 and purchase of district and school site instructional
27 materials and technology, the implementation of student health
28 and fitness standards, staff training, school advisory council
29 member training, student support services, budgeting, and the
30 allocation of staff resources.

31

1 Section 4. Section 1003.455, Florida Statutes, is
2 created to read:

3 1003.455 Physical education; assessment.--

4 (1) It is the responsibility of each district school
5 board to develop a physical education program that stresses
6 physical fitness and encourages healthy, active lifestyles and
7 to encourage all students in prekindergarten through grade 12
8 to participate in physical education. Physical education shall
9 consist of physical activities of at least a moderate
10 intensity level and for a duration sufficient to provide a
11 significant health benefit to students, subject to the
12 differing capabilities of students.

13 (2) Each district school board shall, no later than
14 December 1, 2004, adopt a written physical education policy
15 that details the school district's physical education program
16 and expected program outcomes. Each district school board
17 shall provide a copy of its written policy to the Department
18 of Education by December 15, 2004.

19 (3) Any district that does not adopt a physical
20 education policy by December 1, 2004, shall, at a minimum,
21 implement a mandatory physical education program for
22 kindergarten through grade 5 which provides students with 30
23 minutes of physical education each day, 3 days a week.

24 Section 5. Paragraph (d) is added to subsection (4) of
25 section 1012.98, Florida Statutes, to read:

26 1012.98 School Community Professional Development
27 Act.--

28 (4) The Department of Education, school districts,
29 schools, community colleges, and state universities share the
30 responsibilities described in this section. These
31 responsibilities include the following:

1 (d) The Department of Education shall approve a public
2 state university having an approved physical education teacher
3 preparation program within its college of education to develop
4 and implement an Internet-based clearinghouse for physical
5 education professional development programs that may be
6 accessed and used by all instructional personnel. The
7 development of these programs shall be financed primarily by
8 private funds and shall be available for use no later than
9 August 1, 2005.

10 Section 6. Paragraph (b) of subsection (4) of section
11 1008.25, Florida Statutes, is amended to read:

12 1008.25 Public school student progression; remedial
13 instruction; reporting requirements.--

14 (4) ASSESSMENT AND REMEDIATION.--

15 (b) The school in which the student is enrolled must
16 develop, in consultation with the student's parent, and must
17 implement an academic improvement plan designed to assist the
18 student in meeting state and district expectations for
19 proficiency. For a student for whom a personalized middle
20 school success plan is required pursuant to s. 1003.415, the
21 middle school success plan must be incorporated in the
22 student's academic improvement plan. Beginning with the
23 2002-2003 school year, if the student has been identified as
24 having a deficiency in reading, the academic improvement plan
25 shall identify the student's specific areas of deficiency in
26 phonemic awareness, phonics, fluency, comprehension, and
27 vocabulary; the desired levels of performance in these areas;
28 and the instructional and support services to be provided to
29 meet the desired levels of performance. Schools shall also
30 provide for the frequent monitoring of the student's progress
31 in meeting the desired levels of performance. District school

1 boards shall assist schools and teachers to implement
2 research-based reading activities that have been shown to be
3 successful in teaching reading to low-performing students.
4 Remedial instruction provided during high school may not be in
5 lieu of English and mathematics credits required for
6 graduation.

7 Section 7. Paragraph (a) of subsection (3) of section
8 1012.34, Florida Statutes, is amended to read:

9 1012.34 Assessment procedures and criteria.--

10 (3) The assessment procedure for instructional
11 personnel and school administrators must be primarily based on
12 the performance of students assigned to their classrooms or
13 schools, as appropriate. The procedures must comply with, but
14 are not limited to, the following requirements:

15 (a) An assessment must be conducted for each employee
16 at least once a year. The assessment must be based upon sound
17 educational principles and contemporary research in effective
18 educational practices. The assessment must primarily use data
19 and indicators of improvement in student performance assessed
20 annually as specified in s. 1008.22 and may consider results
21 of peer reviews in evaluating the employee's performance.
22 Student performance must be measured by state assessments
23 required under s. 1008.22 and by local assessments for
24 subjects and grade levels not measured by the state assessment
25 program. The assessment criteria must include, but are not
26 limited to, indicators that relate to the following:

- 27 1. Performance of students.
- 28 2. Ability to maintain appropriate discipline.
- 29 3. Knowledge of subject matter. The district school
30 board shall make special provisions for evaluating teachers
31 who are assigned to teach out-of-field.

1 4. Ability to plan and deliver instruction, including
2 implementation of the rigorous reading requirement pursuant to
3 s. 1003.415, when applicable, and the use of technology in the
4 classroom.

5 5. Ability to evaluate instructional needs.

6 6. Ability to establish and maintain a positive
7 collaborative relationship with students' families to increase
8 student achievement.

9 7. Other professional competencies, responsibilities,
10 and requirements as established by rules of the State Board of
11 Education and policies of the district school board.

12 Section 8. There is hereby appropriated \$445,000 from
13 the General Revenue Fund to the Florida State University
14 Charter Lab Elementary School in Broward County for the
15 purpose delineated in section 1002.32(9)(e), Florida Statutes.

16 Section 9. This act shall take effect upon becoming a
17 law.

18
19
20
21
22
23
24
25
26
27
28
29
30
31