

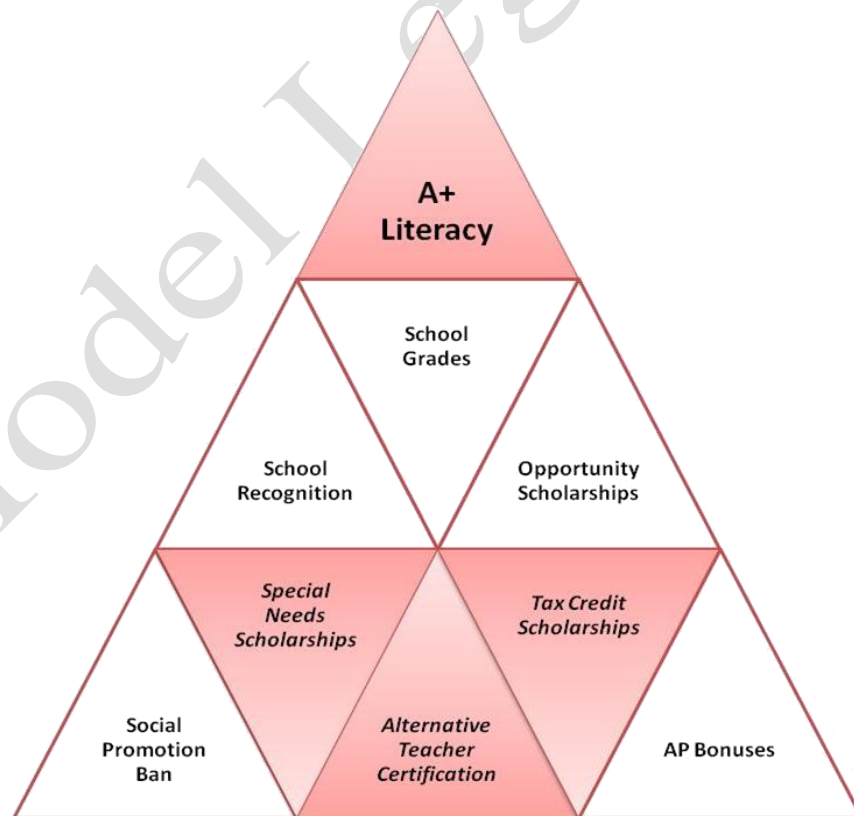


MODEL LEGISLATION FLORIDA FORMULA FOR STUDENT ACHIEVEMENT

Summary

This Florida Formula for Student Achievement is inspired by a comprehensive set of K–12 reforms implemented by Florida lawmakers in 1999, and supplemented over the next decade. As a result of these reforms, Florida’s scores on the highly respected National Assessment of Educational Progress (NAEP) have soared for all major student subgroups. All 50 states began taking the NAEP exams in 2003, and since that point, Florida students have made the most gains. In 2009, Florida’s Hispanic students outscored or tied 31 statewide averages on 4th-grade reading, and their African-American students outscored or tied eight statewide averages.

This bill is written as an omnibus education reform act. Some may find it most useful to introduce as an omnibus bill, but others may prefer to introduce separate measures depending upon legislative dynamics. Regardless of the number of bills introduced, it is suggested that lawmakers pursue the full package of reforms. High quality research evaluations have found significant gains associated with several different reform elements, but working in concert, these elements can radically improve academic achievement for all students.



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Policies within the Florida Formula for Student Achievement

1. [Grading Schools and Districts on a scale of A-F.](#)
2. [School Recognition Program to financially reward schools for good/improving Report Card grades.](#)
3. [Opportunity Scholarships to provide alternatives for students in low-performing or failing schools.](#)
4. [Scholarships for Children with Disabilities.](#)
5. [Tax credit scholarships for low-income students.](#)
6. [Alternative Teacher Certification.](#)
7. [Reading for Learning.](#)
8. [School and Teacher bonuses for student Advanced Placement success.](#)

Model Legislation

A-F School Grading

Section 1. {Title} The A-Plus Accountability and Transparency Program Act.

Section 2. {Definitions}

(A) “Department” — The state Department of Public Instruction or an organization chosen by the state.

(B) “School and District Report Cards” — The Department shall prepare annual reports of the results of the statewide assessment program to describe student achievement in the state, each district, and each district and charter school. The Department shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Department. These reports must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g pertaining to student records and any similar state legislation apply to this section.

(C) “School Grades” — The annual report shall identify schools as having one of the following grades:

- (1) “A,” schools making excellent progress.
- (2) “B,” schools making above average progress.
- (3) “C,” schools making satisfactory progress.
- (4) “D,” schools making less than satisfactory progress.
- (5) “F,” schools failing to make adequate progress.

(D) Each school designated with a grade of “A,” making excellent progress, or having improved at least two grade levels, shall have greater authority over the allocation of the school’s total budget, state categorical funds, any lottery funds, grants, and local funds, as specified in (State Board of Education or Department) rule. The rule must provide that the increased budget authority shall remain in effect until the school’s grade declines.

(E) Designation of School Grades

- (1) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:
 - (a) A school shall not receive a school grade if the number of its students tested and included in the school grading system is less than the minimum sample size necessary,

based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under 20 U.S.C. s. 1232g and similar state privacy laws.

(F) A school's grade shall be based on a combination of:

- (1) Student achievement scores on the state annual accountability assessment for all students.
- (2) Student learning gains for all students as measured by the state annual accountability assessments in.
- (3) Student learning gains of the lowest 25th percentile of students in the school in reading and mathematics on the state annual accountability assessment.
- (4) The Department shall assign school grades based one half on overall student achievement, one quarter on the learning gains of all students, and one quarter on the learning gains of the lowest 25th percentile of students in the school.

(G) Student assessment data used in determining school grades shall include:

- (1) The aggregate scores of all eligible students enrolled in the school who have been assessed on the state annual accountability assessment.
- (2) The learning gain scores of all eligible students enrolled in the school who has been assessed on the state annual accountability assessment and who has scored at or in the lowest 25th percentile of students in the school in reading and mathematics.
- (3) The learning gain scores of all eligible students.
- (4) The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice.

(H) "School Improvement Ratings" —The Department shall develop school awards for schools that improve at least one grade level or maintain an A school grade.

(I) "School Report Cards" — The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be delivered to parents throughout each school district. The report card shall include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment. The department on its website shall publish each school's report card annually, and the school district shall provide the school report card to each parent.

(J) “Performance Based Funding” — The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(K) “District Grades” — The annual report shall include a district grade, which follow the same method used for calculating a school grade except at the district level (e.g. in the district for the full academic year, the lowest 25 percent of the students for learning gains, the achievement and learning gains of all students in the district.

(L) “Increasing Standards” — In any year in which 80 percent or more of the statewide aggregate of elementary, middle and/or high schools earn a grade of A or B, the Department shall raise the number of points required to earn a school grade for that level of school by 5 percent statewide.

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Model Legislation

The School Recognition Program

Section 1. {Findings and Intent} The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

Section 2. {Basic Elements of the School Recognition Program}

(A) The School Recognition Program is created to provide financial awards to public schools that:

- (1) Sustain high performance by earning a school grade of “A,” making excellent progress; or
- (2) Demonstrate exemplary performance by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year.
- (3) All public schools, including charter schools, that earn a school grade are eligible to participate in the program.
- (4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school’s fiscal agent and placed in the school’s account and must be used for purposes listed in Section 3 as determined jointly by the school’s staff. If school staff cannot reach agreement by November 1, the awards will be distributed by the school principal pursuant to subsection (B).

(B) School recognition awards must be used for the following:

- (1) Nonrecurring bonuses to the faculty and staff;
- (2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or
- (3) Temporary personnel for the school to assist in maintaining and improving student performance.
- (4) Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

The Opportunity Scholarship Program

Section 1. {Findings and Intent} The Legislature finds that the state should not compel students, against the wishes of the student's parent, to attend a school found by the state to be failing for 2 years in a 4-year period. The state shall make available opportunity scholarships in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school. Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose.

(A) Opportunity Scholarship Eligibility — A public school student's parent may request and receive from the Department an opportunity scholarship for the student to enroll in and attend a private school in accordance with the provisions of this section if:

- (1) The student has spent the prior school year in attendance at a public or charter school graded "F" and that has had 2 school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect;
 - (2) The student has been in attendance elsewhere in the public school system and lives within the attendance zone of such a school for the next school year; or
 - (3) The student is entering kindergarten or first grade and lives within the attendance zone of such a school for the next school year.
- () The parent has obtained acceptance for admission of the student to a private school eligible for the program, and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

(B) The provisions of this section shall not apply to a students enrolled in a school operating for providing educational services to youth in Department of Juvenile Justice commitment programs.

(C) For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student returns to a public school or, if the student chooses to attend a private school the until the student graduates. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent may remove the student from the private school and place the student in a public school.

Section 2. School District Obligations.

(A) A school district shall, for each student enrolled in or assigned to a school that has been graded "F" for 2 school years in a 4-year period:

- (1) Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this act.

(2) Offer that student's parent an opportunity to enroll the student in the public school within the district that has been designated by the as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." The parent is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The school districts must provide a parent with information on all options. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(3) The parent of a student enrolled in or assigned to a school that has been designated performance grade category "F" for 2 school years in a 4-year period transfer to a higher performing school in an adjacent district, subject to the availability of space. That school district shall accept the student and report the student for purposes of the district's funding.

(B) Opportunity Scholarship students attending district schools shall take accountability exams in the district to which they have transferred.

(C) Transportation costs to a higher performing public school shall be the responsibility of the school district from which the student originated. The district may utilize state categorical transportation funds or state-appropriated public school choice incentive funds for this purpose. Transportation to private schools shall be the responsibility of parents.

Section 3. {Private School Eligibility} To be eligible to participate in the Opportunity Scholarship Program, a private school must be a private school operating in <state X>, may be sectarian or nonsectarian, and must:

(A) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured. In addition, the owner or owners must 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 that may be reasonably expected. 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.

(B) Notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the Opportunity Scholarship Program.

(C) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(D) Meet state and local health and safety laws and codes.

(E) Accept scholarship students on an entirely random and religious-neutral basis without regard to the student's past academic history; however, the private school may give preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis.

(F) Be academically accountable to the parent for meeting the educational needs of the student. The private school must furnish a school profile that includes student performance.

(G) 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.

(H) Comply with all state statutes relating to private schools.

(I) Accept as full tuition and fees the amount provided by the state for each student.

(J) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of any opportunity scholarship student.

Section 4. {Obligations of Program Participants}

(A) Any student participating in the Opportunity Scholarship Program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(B) The parent of each student participating in the Opportunity Scholarship Program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

Section 5. {Opportunity Scholarship Funding and Payment}

(A) The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the total state and local funding for the child including all applicable funding weights, or the or the amount of the private school's cost of educating the child, whichever is less. Fees eligible for reimbursement from the scholarship shall include textbook fees, lab fees, and other fees related to instruction, including transportation.

(1) Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the calculated amount and authorized categorical accounts to a separate account for the Opportunity Scholarship Program for quarterly disbursement to the parents of participating students.

(2) Upon proper documentation reviewed and approved by the Department of Education, the state shall make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the opportunity scholarship is in force. The Department of Education shall make initial

payment after verification of admission acceptance, and shall make subsequent payments upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.

(B) No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

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Model Legislation

The Special Needs Scholarship Program Act

Section 1. {Title} The Special Needs Scholarship Program

Section 2. {Definitions}

- (A) “Program” means the Special Needs Scholarship Program created in this subchapter.
- (B) “Eligible Student” means any elementary or secondary student who was eligible to attend a public school in [state] in the preceding semester or is starting school in [state] for the first time with an Individualized Education Plan, including but not limited to students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, autistic, or hospitalized or homebound because of illness or disability.¹
- (C) “Parent” includes a guardian, custodian, or other person with authority to act on behalf of the child.
- (D) “Resident school district” means the public school district in which the student resides.
- (E) “Department” means the state Department of Public Instruction or an organization chosen by the state.²
- (F) “Participating school” means either a public school outside of the resident school district, a school run by another public entity, or any private school that provides education to elementary and/or secondary students that has notified the Department of its intention to participate in the program and comply with the program’s requirements.³

Section 3. {Basic Elements of the Special Needs Scholarship Program}

- (A) Any parent of an eligible student shall qualify for a scholarship from the state for their child to enroll in and attend a participating, private school if:
- (1) The student with special needs has had an Individualized Education Plan written in accordance with the rules of the Department;
 - (2) the student has been accepted for admission at a participating school; and
 - (3) the parent has requested a scholarship from the state before the deadline established by the Department.⁴
- (B) The Department shall inform the resident school district that a student with special needs has requested a special needs scholarship. The resident school district shall provide, within three business days, the Department with a copy of the student’s most current Individualized Education Plan.

(C) Upon receipt of the eligible student's request for a scholarship, the Department shall review the Individualized Education Plan drafted by the student's public school to determine the amount of the scholarship. The Department shall provide the student's parent with a timely written explanation of its determination for the amount of the scholarship.

(D) The maximum scholarship granted to an eligible student shall be an amount equivalent to the cost of the educational program that would have been provided for the student in the resident school district. Although the scholarship amount is a function of a student's Individualized Education Plan, the participating school is not required to abide by the Individualized Education Plan. The parent and the participating school will mutually determine the best services and educational plan for the student.⁵

(E) The amount of the Special Needs Scholarship shall be the lesser of the amount calculated in Section 3(C) and (D) or the amount of the participating school's estimated costs for serving the student. The costs of any assessment by the participating school of the student's special needs may be included in the scholarship amount.

(F) A participating students shall be counted in the enrollment of his or her resident school district. The funds needed to provide a scholarship shall be subtracted from the state school aid payable to the student's resident school district.⁶

(G) The Special Needs Scholarship shall remain in force until the student returns to a public school or graduates from high school or reaches his or her 21st birthday, whichever comes first.

(H) At any time, the student's parent may remove the student from the participating school and place the student in another participating school or in a public school.

(I) A participating school may not refund, rebate, or share a student's scholarship with a parent or the student in any manner. A student's scholarship may only be used for educational purposes.⁷

Section 4. {Responsibilities of Resident School Districts}

(A) A resident school district shall annually notify the parents of a student with special needs of the Special Needs Scholarship Program and offer that student's parent an opportunity to enroll the student in a participating school of their choice.

(B) The resident school district shall provide a participating school that has admitted an eligible student under this program with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 (20 USC 1232g).

(C) The resident school district shall provide transportation for an eligible student to and from the participating school under the same conditions as the resident school district is required to provide transportation for other resident students to private schools as per current law. The resident school district will qualify for state transportation aid for each student so transported.

(D) The public school district in which the eligible student participating in this program resides shall count the pupil in its enrollment for state aid purposes.

(E) If the parent of an eligible student participating in this program requests that the student take the statewide assessments, the resident school district shall provide locations and times for the student to take all statewide assessments if they are not offered at the student's participating school.⁸

Section 5. {Responsibilities of the Department of Public Instruction}

(A) The Department shall adopt rules and procedures regarding:

- (1) the eligibility and participation of private schools, including timelines that will maximize student and public and private school participation;
- (2) the calculation and distribution of scholarships to eligible students and participating schools;⁹ and
- (3) the application and approval procedures for eligible students and participating schools.

(B) No liability shall arise on the part of the Department or the state based on the award or use of a Special Needs Scholarship.

(C) The Department may bar a school from participation in the program if the Department establishes that the participating school has:¹⁰

- (1) intentionally and substantially misrepresented information required under Section 6;
- (2) routinely failed to comply with the accountability standards established in Section 6;
- (3) failed to comply with Section 3(I); or
- (4) failed to refund to the state any scholarship overpayments in a timely manner.

(D) If the Department decides to bar a participating school from the program, it shall notify eligible students and their parents of this decision as quickly as possible. Participating students attending a school barred by the Department shall retain scholarship program eligibility to attend another participating school.

Section 6. {Accountability Standards for Participating Schools}

(A) Administrative Accountability Standards. To ensure that students are treated fairly and kept safe, all participating, private schools shall:

- (1) comply with all health and safety laws or codes that apply to private schools;

(2) hold a valid occupancy permit if required by their municipality;

(3) certify that they comply with the nondiscrimination policies set forth in 42 USC 1981;¹¹ and

(4) conduct criminal background checks on employees. The participating school then shall:

(a) exclude from employment any people not permitted by state law to work in a private school; and

(b) exclude from employment any people that might reasonably pose a threat to the safety of students.¹²

(B) Financial Accountability Standards. To ensure that public funds are spent appropriately, all participating, private schools shall:

(1) Demonstrate their financial accountability by:

(a) annually submitting to the Department a financial information report for the school that complies with uniform financial accounting standards established by the Department and conducted by a certified public accountant;¹³ and

(b) Having an auditor certify the report is free of material misstatements and fairly represents the costs per pupil. The auditor's report shall be limited in scope to those records that are necessary for the Department to make payments to participating schools on behalf of parents for Special Needs Scholarships.

(2) Demonstrate their financial viability by showing they can repay any funds that might be owed the state, if they are to receive \$50,000 or more during the school year, by:¹⁴

(a) filing with the Department prior to the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of the Special Needs Scholarships expected to be paid during the school year to students admitted to the participating school; or

(b) filing with the Department prior to the start of the school year financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the Special Needs Scholarships expected to be paid during the school year to students admitted to the participating school.

(C) Academic Accountability Standards. To ensure that schools provide academic accountability to parents of the students in the program, all participating schools shall regularly report to the parent on the student's progress and ensure that the person providing special education or related services holds the appropriate license issued by the Department.¹⁵

(D) Participating School Autonomy. A participating, private school is autonomous and not an agent of the state or federal government and therefore:

(1) the Department or any other state agency may not in any way regulate the educational program of a participating, private school that accepts a Special Needs Scholarship;

(2) the creation of the Special Needs Scholarship Program does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce the requirements of the program; and

(3) participating, private schools shall be given the maximum freedom to provide for the educational needs of their students without governmental control.

Section 7. {Responsibilities of Scholarship Students and Parents}

(A) It shall be the responsibility of a parent to select their child's school, apply for admission, and apply for a Special Needs Scholarship.

(B) Any student participating in the program must comply fully with a participating school's written code of conduct and shall remain in attendance throughout the school year, unless excused by the school for illness or other good cause. However, a parent may transfer an eligible student to a public school or another participating school at any time. The scholarship amount shall be prorated between participating schools according to the period of attendance at each school.

(C) A parent's decision for their student to participate in the program constitutes a private placement for purposes of the Individuals with Disabilities Education Act.

Section 8. {Effective Date} The Special Needs Scholarship Program will be in effect beginning with the fall semester of the next school year.

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The Great Schools Tax Credit Program Act

Section 1. {Title} The Great Schools Tax Credit Program Act

Section 2. {Definitions}

(A) “Program” means the Great Schools Tax Credit Program.

(B) “Eligible student” means a student who:

(1) is a member of a household whose total annual income the year before he or she receives an educational scholarship under this program does not exceed the income standard used to qualify for a free or reduced-price lunch under the national free or reduced-price lunch program established under 42 USC Section 1751 et seq. Once a student receives a scholarship under this program, the student will remain eligible regardless of household income until the student graduates high school or reaches 21 years of age;¹

(2) was eligible to attend a public school in the preceding semester or is starting school in [state] for the first time;²

(3) Resides in [state] while receiving an educational scholarship.

(C) “Low-income student” means a student who qualifies for a free or reduced-price lunch under the national free or reduced-price lunch program established under 42 USC Section 1751 et seq.³

(D) “Parent” includes a guardian, custodian, or other person with authority to act on behalf of the child.

(E) “Department” means the state Department of Revenue.

(F) “Qualifying school” means either a public school outside of the resident school district, or any private school that provides education to elementary and/or secondary students and has notified the Department of its intention to participate in the program and comply with the program’s requirements.⁴

(G) “Educational scholarships” means grants to students to cover all or part of the tuition and fees at either a qualifying private school or a qualifying public school, including transportation to a public school outside of a student’s resident school district.

(H) “Scholarship Granting Organization” means an organization that complies with the requirements of the state’s school scholarship tax credit program and provides or is approved to provide educational scholarships to students attending qualifying schools of their parents’ choice.

(I) “Test” means either the state achievement test or nationally recognized norm-referenced test chosen by the participating school.

Section 3. {Basic Elements of the Great Schools Tax Credit Program}

(A) A taxpayer who files a state income tax return and is not a dependent of another taxpayer may claim a credit for a contribution made to a scholarship granting organization.

(B) The tax credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to a scholarship granting organization for educational scholarships during the taxable year for which the credit is claimed up to 75 percent of the taxpayer's tax liability.⁵

(C) The tax credit may be claimed by a corporate taxpayer in an amount equal to the total contributions made to a scholarship granting organization for educational scholarships during the taxable year for which the credit is claimed up to 75 percent of the taxpayer's tax liability.⁵

(D) A corporate taxpayer, an individual taxpayer, or a married couple filing jointly may carry forward a tax credit under this program for three years.⁶

Section 4. {Responsibilities of Scholarship Granting Organizations}⁷

(A) Administrative Accountability Standards. All scholarship-granting organizations shall:

(1) notify the Department of their intent to provide educational scholarships to students attending qualifying schools;

(2) demonstrate to the Department that they have been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code;

(3) distribute periodic scholarship payments as checks made out to a student's parent or guardian and mailed to the qualifying school where the student is enrolled. The parent or guardian must endorse the check before it can be deposited;

(4) provide a Department-approved receipt to taxpayers for contributions made to the organization;

(5) ensure that at least 90 percent of their revenue from donations is spent on educational scholarships, and that all revenue from interest or investments is spent on educational scholarships;

(6) ensure that the maximum scholarship shall be no more than 80% of the total average local and state aid provided for children in district schools.²⁰

(7) ensure that at least X percent of first-time recipients of educational scholarships were not continuously enrolled in a private school during the previous year;⁹

(8) cooperate with the Department to conduct criminal background checks on all of their employees and board members and exclude from employment or governance any individual(s) that might reasonably pose a risk to the appropriate use of contributed funds;¹⁰

(9) ensure that scholarships are portable during the school year and can be used at any qualifying school that accepts the eligible student according to a parent's wishes. If a student moves to a new qualifying school during a school year, the scholarship amount may be prorated.

(10) publicly report to the Department by June 1 of each year the following information prepared by a certified public accountant regarding their grants in the previous calendar year:

(a) the name and address of the student support organization;

(b) the total number and total dollar amount of contributions received during the previous calendar year; and

(c) the total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to students qualifying for the federal free and reduced-price lunch program,¹¹ and the percentage of first-time recipients of educational scholarships who were enrolled in a public school during the previous year.

(11) ensure scholarships are not provided for students to attend a school with paid staff or board members, or relatives thereof, in common with the scholarship granting organization.

(B) Financial Accountability Standards.¹²

(1) All scholarship-granting organizations shall demonstrate their financial accountability by:

(a) annually submitting to the Department a financial information report for the organization that complies with uniform financial accounting standards established by the Department and conducted by a certified public accountant; and

(b) having the auditor certify that the report is free of material misstatements.

(2) All participating private schools shall demonstrate financial viability, if they are to receive donations of \$50,000 or more during the school year, by:

(a) filing with the scholarship granting organization prior to the start of the school year a surety bond payable to the scholarship granting organization in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(b) filing with the scholarship granting organization prior to the start of the school year financial information that demonstrates the financial viability of the participating school.

Section 5. {Program Oversight of Participating Schools}

(A) Each scholarship granting organization shall collect written verification from participating, private schools that accept its scholarship students that those schools:

(1) comply with all health and safety laws or codes that apply to private schools;

(2) hold a valid occupancy permit if required by their municipality;

(3) certify that they comply with the nondiscrimination policies set forth in 42 USC 1981;¹³ and

(4) conduct criminal background checks on employees and then:

(a) exclude from employment any people not permitted by state law to work in a private school; and

(b) exclude from employment any people that might reasonably pose a threat to the safety of students.¹⁴

(B) Academic Accountability Standards. There must be sufficient information about the academic impact scholarship tax credits have on participating students in order to allow parents and taxpayers to measure the achievements of the program, and therefore:

(1) each scholarship granting organization shall ensure that participating schools that accept its scholarship shall:¹⁵

(a) annually administer either the state achievement tests or nationally recognized norm-referenced tests that measure learning gains in math and language arts to all participating students in grades that require testing under the state's accountability testing laws for public schools;

(b) allow costs of the testing requirements to be covered by the scholarships distributed by the scholarship granting organizations;

(c) provide the parents of each student who was tested with a copy of the results of the tests on an annual basis, beginning with the first year of testing;

(d) provide the test results to the Department or an organization chosen by the state¹⁶ on an annual basis, beginning with the first year of testing;

(e) report student information that would allow state to aggregate data by grade level, gender, family income level, and race; and

(f) provide graduation rates of participating students to the Department or an organization chosen by the state in a manner consistent with nationally recognized standards.

(2) the Department or an organization chosen by the state shall:

(a) ensure compliance with all student privacy laws;

(b) collect all test results; and

(c) provide the test results and associated learning gains to the public via a state Web site after the third year of test and test-related data collection.¹⁷ The findings shall be aggregated by the students' grade level, gender, family income level, number of years of participation in the scholarship program, and race.¹⁸

Section 6. {Responsibilities of the Department of Revenue}

(A) The Department shall adopt rules and procedures consistent with this act as necessary to implement the program.

(B) The Department shall provide a standardized format for a receipt to be issued by a scholarship granting organization to a taxpayer to indicate the value of a contribution received. The Department shall require a taxpayer to provide a copy of this receipt when claiming the Great Schools Tax Credit.

(C) The Department shall provide a standardized format for a scholarship granting organizations to report the information in Section 4(A)(10) above.

(D) The Department shall have the authority to conduct either a financial review or audit of a scholarship granting organization if possessing evidence of fraud.

(E) The Department may bar a scholarship granting organization from participating in the program if the Department establishes that the scholarship granting organization has intentionally and substantially failed to comply with the requirements in Section 4 or Section 5.

(F) If the Department decides to bar a scholarship granting organization from the program, it shall notify affected scholarship students and their parents of this decision as quickly as possible.

(G) The Department shall allow a taxpayer to divert a prorated amount of state income tax withholdings to a scholarship granting organization of the taxpayer's choice up to the maximum credit allowed by law, including carry-over credits. The Department shall have the authority to develop a procedure to facilitate this process.¹⁹

Section 7. {Responsibilities of Qualifying Schools}

(A) All qualified schools shall be required to operate in [state].

(B) All qualifying schools shall comply with all state laws that apply to private schools regarding criminal background checks for employees and exclude from employment any people not permitted by state law to work in a private school.

Section 8. {Effective Date} The Great Schools Tax Credit may be first claimed in the next calendar year.

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Model Legislation

Chapter 6: The Alternative Teacher Certification Act

Section 1. {Short Title} This act may be cited as the Alternative Teacher Certification Act.

Section 2. Be it enacted by the legislature that the Education Code, relating to the authority of the state to certify persons to teach who are not graduates of teacher education programs, is amended by adding [section] to read as follows:

(A) Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it,
 - (a) Upon the basis of college credit;
 - (b) Upon the basis of passage of an examination;
- (2) By the state board, under rules and regulations prescribed by the state board, to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association. Such certificate shall be limited to the major area of postgraduate study of the holder;
- (3) By the state board, under rules and regulations prescribed by it, on the basis of a valid certificate issued by a national or regional educator credentialing board approved by the state board .
- (4) By the state board, upon an appropriate background check, to any person who possesses a valid teaching certificate from another state or a certificate under subdivision three (3); provided that the certificate holder shall annually complete the state board's requirements for such certification;
- (5) By the state board, under rules and regulations prescribed by the state board, the Department of [Education or Public Instruction] shall develop and each school district must provide an alternative certification program by which members of a school district's instructional staff may obtain a teacher certificate.
- (6) By the state board, to any individual with a valid teaching certificate issued from another state.
- (7) By the state board, to individuals who have at least two years of teaching experience in post-secondary education.

(B) The board shall issue a master teacher certificate in the appropriate area of endorsement to an applicant who meets the requirements for education and experience as set forth in [section] and demonstrates quality teaching. Any teacher who holds national level certification shall be deemed to have satisfied the requirements for master teachers.

(C) District school boards shall adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the state board requirements and who has expertise in the

subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient content mastery through passage of a subject area examination. The adjunct teaching certificate shall be used for part-time teaching positions. Each adjunct teaching certificate is valid for X school years and is renewable if the applicant has received satisfactory performance evaluations during each year of teaching under the adjunct teaching program.

Section 3. {Severability clause}

Section 4. {Repealer clause}

Section 5. {Effective date}

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Model Legislation

Reading for Learning

Section 1. {Title} The Reading is Fundamental Literacy Program

Section 2. {Intent} It is the intent of the Legislature that each student's progression to be determined, in part, upon proficiency in reading; that district school board policies facilitate such proficiency; and that each student and his or her parent be informed of that student's academic progress.

(A) "Reading Deficiency and Parental Notification" — It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten, grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency.

(B) Each student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(C) Beginning with the 20XX-20XY school year, if the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the state annual accountability assessment in reading for grade 3, the student must be retained.

(D) The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the following:

- (1) That his or her child has been identified as having a substantial deficiency in reading.
- (2) A description of the current services that are provided to the child.
- (3) A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
- (4) That if the child's reading deficiency is not remediated by the end of grade 3, the child will not be promoted to grade 4 unless he or she meeting a good cause exemption.
- (5) Strategies for parents to use in helping their child succeed in reading proficiency.
- (6) That while the state annual accountability assessment is the initial determinate, it is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available.

(7) The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(E) Elimination of social promotion — No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(F) Good Cause Exemptions — The district school board may only promote students not meeting the academic requirements for good cause. Good cause exemptions shall be limited to the following:

(1) Limited English proficient students who have had less than 2 years of instruction in an English Language Learner program.

(2) Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law.

(3) Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

(4) Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level.

(5) Students with disabilities who participate in the state accountability examination and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

(6) Students who have received intensive remediation in reading for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(G) Requests for good cause exemptions – Requests to exempt students from academic requirements for promotion to the next grade shall be made consistent with the following:

(a) Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's record. In order to minimize paperwork requirements,

such documentation shall consist only of the existing progress monitoring plan, individual educational plan, if applicable, report card, or student portfolio.

(b) The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted . If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(H) Successful progression for retained readers — Students retained must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(1) Beginning with the 20XX-20XX school year, each school district shall:

(a) Conduct a review of student progress monitoring plans for all students who did not score above Level 1 on the reading portion of state exam and did not meet the criteria for one of the good cause exemptions. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

(b) Provide students who are not promoted with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

(i) Small group instruction.

(ii) Reduced teacher-student ratios.

(iii) More frequent progress monitoring.

(iv) Tutoring or mentoring.

(v) Transition classes containing 3rd and 4th grade students.

(vi) Extended school day, week, or year.

(vii) Summer reading camps.

(c) Provide written notification to the parent of any student who is retained that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption. The notification must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

(d) Implement a policy for the midyear promotion of any student retained who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 state accountability exam, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.

(2) Provide students who are retained with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

(3) In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

(a) Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

(b) A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

(c) A mentor or tutor with specialized reading training.

(4) Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

(a) Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(b) Be provided during regular school hours in addition to the regular reading instruction.

(c) Provide a state-identified reading curriculum that, at a minimum, the following specifications:

(i) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(ii) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(iii) Provides scientifically based and reliable assessment.

(iv) Provides initial and ongoing analysis of each student's reading progress.

(v) Is implemented during regular school hours.

(vi) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

(vii) Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the state accountability exam. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

(a) Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the state accountability exam and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the state accountability exam.

(b) Have a reduced teacher-student ratio.

(c) Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 state standards in other core subject areas.

(d) Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

(e) Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

(f) Include weekly progress monitoring measures to ensure progress is being made.

(g) Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

(viii) Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

(ix) Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(I) Annual report — In addition to the above requirements, each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each annual state accountability assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(1) Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

(a) The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

(b) By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the annual state accountability assessment.

(c) By grade, the number and percentage of all students retained in grades 3 through 10.

(d) Information on the total number and percentage of students who were promoted for good cause, by each category of good cause as specified above.

(e) Any revisions to the district school board's policy on student retention and promotion from the prior year.

(2) The Department of Education shall establish a uniform format for school districts to report the information required. The format shall be developed with input from district school boards and shall be provided not later than 90 days prior to the annual due date. The department shall annually compile the information required along with state-level summary information, and report such information to the public, Governor, the President of the Senate, and the Speaker of the House of Representatives.

(J) State Board Authority and Responsibilities —

(1) The State Board of Education shall have authority to enforce this chapter.

(2) The department shall provide technical assistance as needed to aid district school boards in administering this section.

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Model Legislation

School and Teacher Bonuses for Advanced Placement and International Baccalaureate Exam Success

Section 1. {Title} The AP Success Bonus Plan

Section 2. Calculation of additional full-time equivalent membership based on College Board advanced placement scores of students.

(A) A value of 0.X full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(1) Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds.

(B) Teacher Bonuses. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

(1) A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

(2) An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of “D” or “F” who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

(3) Bonuses awarded to a teacher according to this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(C) Annual Appropriation — The additional full-time equivalent membership authorized under this paragraph may not exceed 0.X per student. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$XX million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

Section 3. Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.

(A) A value of 0.X full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the

total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

- (1) A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.
- (2) An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.
- (3) Bonuses awarded to a teacher according to this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

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