



School District of Indian River County

"A CommUNITY Partnership Toward Educational Excellence"

Sebastian Elementary School Advisory Council Handbook Bylaw/Guidelines



Revised January 13, 2014

Welcome to your school's School Advisory Council (SAC).

Your participation as a member of your school advisory council is one of the most important functions you will perform as a school volunteer. As a SAC member, you will be learning new information about complex issues that impact student success. This handbook is designed to clarify the responsibilities you have as a member of your school advisory council.

The role of a school advisory council is to develop, monitor, and evaluate the school improvement plan which is written or revised annually and submitted to the school board. You will inquire, evaluate, inform, suggest, and make recommendations as a SAC member to insure that your school's plan reflects the goals of the entire school community.

Letitia Whitfield-Hart

Principal

Sebastian Elementary

"Home of the Sea Turtles"

772-978-8190

“TEAM” WORK MAKES THE “DREAM” WORK 😊

What is a School Advisory Council?

School advisory council, or SAC, is the name given to each school advisory council in the School District of Indian River County. Florida's 1991 System for School Improvement and Accountability legislation mandated that every school have a school advisory council.

Elected members of a school advisory council include teachers, educational support personnel, and parents. In high schools, students are also elected members. Business partners and community representatives are invited to be members by the principal.

SAC membership should reflect the ethnic, racial, and economic community served by the school. The majority of the SAC members should be parents and community members who are not employed at that school.

The purpose of the SAC is to assist in the development, monitoring, and evaluation of the school improvement plan. SAC members may be requested to serve in other roles related to school improvement.

The SAC:

- leads the way in creating a vision and mission for the school.
- annually develops a school improvement plan that is focused on student learning.
- centers its meetings on the planning, implementation, and evaluation of the school's plan.
- ensures there is representation from all designated groups.
- impacts curriculum design and student performance.
- uses a waiver application process for implementing school-based instructional innovations.
- has input into the preparation of the school's budget and determines the use of school improvement funds (lottery enhancement, contingent upon availability of funds).
- at a Title I site, has input into the development of the Title I Parent Involvement Plan.
- receives printed materials and school improvement updates periodically.
- may call upon district and state resources to assist school efforts.

The SAC meets at regularly scheduled times (bi- monthly) unless needed. To maintain membership, members must attend meetings and attendance is recorded. School advisory councils operate under the Florida's Government in the Sunshine Law and are open to the public.

- **The Principal** is the instructional leader of the school and the facilitative leader of the team.

- **The Chairperson** is the organizational leader of the team, ensuring that SAC guidelines are followed and that members participate in the development and evaluation of the plan.

- **The Secretary** is the person responsible for taking minutes of each meeting. Those minutes must be publicly accessible. The secretary will maintain continual records of meetings and send those minutes electronically (as requested) to the District Office. [SAC minutes are to be archived electronically by each school on the School Improvement page of the District website:
<http://www.indianriverschools.org/SiteDirectory/SchoolImprovement/Pages/default.aspx>]

- **Members** attend meetings regularly and represent their respective groups.

Guidelines

The School Advisory Council in each school serves in an advisory capacity to the school principal in the preparation and evaluation of the school improvement plan required pursuant to Section 230.23(18), Florida Statutes. The principal shall receive and consider SAC advice; however, the principal remains responsible for making decisions necessary for administering and supervising the school. The principal shall promote communication among students, staff, parents, and community representatives. School advisory councils shall not assume any of the powers or duties now reserved by Florida Statute for the School Board or its administrative or instructional staff. The SAC shall be representative of teachers, parents, support service employees, students, if appropriate, and other citizens.

- The principal must serve on the team.

- The membership should reflect the school's ethnic, racial, and economic community.

- The School District of Indian River's goal is at least 51% parent and community membership on each team. The parent and community members cannot be employed by the district.

- SAC membership must be approved by the School Board. Nominees may be revised as needed and determined by individual SAC operational guidelines.

- The SAC operates under Florida's Government in the Sunshine Law. Notice must be given of all meetings and minutes and attendance must be kept.

- Each representative group, except community members, must be elected by its peers. Election may be by consent of a group or by elected boards.

- Notice of business/community vacancies will be widely distributed prior to the principal presenting a slate of nominees for selection by the school advisory council.

- Each team should establish operational guidelines. The School Board may approve the by-laws of each SAC.

- The principal will inform the school community, including parents of upcoming students, that nominations to the SAC are invited. The invitation for nomination should clearly note the deadline, membership categories, and the process by which the vote shall be taken. Documentation of the nomination and election process will be maintained at the school as a public record.

Membership

Each principal is to facilitate an election process to determine from within the school and community those individuals willing to make a commitment to participate on the school advisory council. Team members representing teachers, educational support employees, students, and parents shall be elected by their respective peer groups. Teachers will elect teachers, parents will elect parents, educational support personnel will elect educational support personnel, and students will elect students. The principal and the SAC will select other business and community members. If these elections do not fulfill statutory requirements, the principal shall recommend additional members to provide proper representation.

Each principal submits a membership/composition report to the School Board by November 1 of each year. The report will include members by name, address,

telephone number, peer group, employment status, ethnic/racial category, and demographic representation of the school community. The term of office of each member shall be determined by the SAC.

A vacancy in any membership category may be filled utilizing the regular election/selection process. The principal will inform the District Office of any replacement members.

The principal shall determine the size of the SAC which is most functional for that particular school and which allows for all constituencies to be represented. The following percentages for membership are required by Florida legislation:

Community 51% or a majority of the SAC

Parents of children at the school

(SAC members classified as "Parents" cannot be employed by the district.)

Business partners or community representatives

Students attending the school

(High school level-required; middle-optional; elementary-not required)

School Board Employed 49% or less

Teachers

Administrators or professional/technical staff

Educational support employees

The configuration of the team must also reflect the school's ethnic, racial, and economic community. It is recommended that the school's student demographic statistics be used to determine representation of these constituencies.

District Office or School Board personnel serving as resource or liaison assistants are non-voting members of school advisory council. As such, they are not included in the above percentages or representation requirements.

Responsibilities

The School Advisory Council shall:

1. Perform such functions as may be prescribed by the School Board;
2. Assist in the preparation, implementation, and evaluation of the school improvement plan required by Florida Statutes;

3. Review the results of an annual needs assessments conducted by the school administration;
4. Monitor students' progress and the school's progress in attaining goals;
5. Define adequate progress; obtain public input when defining adequate progress for school goals and revising the plan;
6. Promote communication among students, staff, parents, administration, and the community;
7. Provide input for the school's annual budget, and determine the use of school improvement funds/school recognition dollars when allocated;
8. Serve as a resource for the principal and perform such other functions as are requested by the principal.

Operational Procedures

Each school advisory council shall develop practical and functional procedures/ bylaws appropriate to the local SAC, but not limited to the following issues:

1. Selection of Chairperson, Co-Chairperson, Recording Secretary
2. Notice of meetings: The school shall provide public notice (e.g., school marquees, newsletters, notes to parents, posted notes, media releases) of the meeting time, place, and agenda. FL Statute requires at least 3-days' advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.
3. Voting procedures, such as the option to use consensus, voice vote, written ballot, or roll call vote.
4. Attendance requirements for SAC membership and a process for replacement of members. Effective July 2002, FL Statute requires replacing any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.
5. Quorum requirements. FL Statute requires a quorum to be present before a vote may be taken. Effective July 2002 in FL Statute, a majority of the membership of the council constitutes a quorum.

6. School Recognition Funds. Include a decision-making procedure in the event such funds are granted. Reference: F.S. 1008.36

Each school advisory council shall maintain minutes and an attendance roster of its meetings, which shall be subject to public review. The minutes shall include copies of meeting notices. By FL Statute, the district school board shall approve SAC membership, shall maintain a record of minutes of council meetings, and may review SAC bylaws.

Each SAC shall meet as often as is necessary to perform its duties. All SAC activities, including subcommittee meetings, are subject to the Government in the Sunshine Law, section 286.011, Florida Statutes, and the voting conflicts provisions in section 112.3143, Florida Statutes.

Effective Meetings -- Suggested Practices Before

- Communicate meeting notice, which includes agenda whenever possible, 10 days to two weeks prior to the meeting. Include RSVP.

- Call members a day before the meeting as a reminder. A three-day notice in writing is required in advance of any item to come before members for a vote.

- Take into account varying work schedules when setting meeting times. Consider rotation of meeting dates and times.

During

- Members sign in at each meeting. A roster of attendance must be kept.

- Minutes must be taken.

- Limited time for public input can be provided. Only members can vote on action taken.

After

- Minutes of the meeting may be sent with the notice of the next meeting or handed out at the next meeting.
- Minutes should reflect members present and/or absent, and action taken.
- Minutes should be kept at the school for public reference. SAC activities and actions should be regularly shared with the school community.

Legislation: The 2012 Florida Statutes

<http://www.leg.state.fl.us/Statutes/index.cfm?Mode=View%20Statutes&Submenu=1&Tab=statutes&CFID=72725658&CFTOKEN=42781737>

1001.452 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decision-making at the school relating to implementation of ss. 1001.42(18) and 1008.345.

A majority of the members of each school advisory council must be persons who are not employed by the school district. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members.

Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

- 1. Teachers shall be elected by teachers.*
- 2. Education support employees shall be elected by education support employees.*
- 3. Students shall be elected by students.*
- 4. Parents shall be elected by parents.*

The district school board shall establish procedures to be used by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large.

The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status.

Although schools are strongly encouraged to establish school advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which includes at least one duly elected teacher from each school in the district.

For the purposes of school advisory councils and district advisory councils, the term "teacher" includes classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

(b) The district school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other citizens or a district advisory council that may be comprised of representatives of each school advisory council. Recognized schoolwide support groups that meet all criteria established by law or rule may function as school advisory councils.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(18)(a).

(d) Each school advisory council shall adopt bylaws establishing procedures for:

- 1. Requiring a quorum to be present before a vote may be taken by the school advisory council. A majority of the membership of the council constitutes a quorum.*
- 2. Requiring at least 3 days' advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.*
- 3. Scheduling meetings when parents, students, teachers, businesspersons, and members of the community can attend.*
- 4. Replacing any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.*
- 5. Recording minutes of meetings.*

The district school board may review all proposed bylaws of a school advisory council and shall maintain a record of minutes of council meetings.

(2) DUTIES.—

Each advisory council shall perform functions prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board.

Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(18).

With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 1008.385(1).

A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

History.—s. 1, ch. 2002-49; s. 59, ch. 2002-387; s. 73, ch. 2004-357; s. 10, ch. 2008-108; s. 5, ch. 2008-235.

1008.33 Authority to enforce public school improvement.—

(1) The State Board of Education shall comply with the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq., its implementing regulations, and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education. The state board may adopt rules to maintain compliance with the ESEA and the ESEA flexibility waiver.

(2)(a) Pursuant to subsection (1) and ss. 1008.34, 1008.345, and 1008.385, the State Board of Education shall hold all school districts and public schools accountable for student performance. The state board is responsible for a state system of school improvement and education accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, and institutes appropriate measures for enforcing improvement.

(b) The state system of school improvement and education accountability must provide for uniform accountability standards, provide assistance of escalating intensity to low-performing schools, direct support to schools in order to improve and sustain performance, focus on the performance of student subgroups, and enhance student performance.

(c) School districts must be held accountable for improving the academic achievement of all students and for identifying and turning around low-performing schools.

(3)(a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise Florida's public school system, the state board shall equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code, chapters 1000-1013; the federal ESEA and its implementing regulations; and the ESEA flexibility waiver approved for Florida by the United States Secretary of Education.

(b) Beginning with the 2011-2012 school year, the Department of Education shall annually identify each public school in need of intervention and support to improve student academic performance. All schools earning a grade of "D" or "F" pursuant to s. 1008.34 are schools in need of intervention and support.

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may

include improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, and the use of continuous improvement and monitoring plans and processes. In addition, the state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department. The rule shall differentiate among schools earning consecutive grades of "D" or "F," or a combination thereof, and provide for more intense monitoring, intervention, and support strategies for these schools.

(4)(a) The state board shall apply the most intense intervention and support strategies to schools earning a grade of "F." In the first full school year after a school initially earns a grade of "F," the school district must implement intervention and support strategies prescribed in rule under paragraph (3)(c), select a turnaround option from those provided in subparagraphs (b)1.-5., and submit a plan for implementing the turnaround option to the department for approval by the state board. Upon approval by the state board, the turnaround option must be implemented in the following school year.

(b) Except as provided in subsection (5), the turnaround options available to a school district to address a school that earns a grade of "F" are:

1. Convert the school to a district-managed turnaround school;
2. Reassign students to another school and monitor the progress of each reassigned student;
3. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness;
4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
5. Implement a hybrid of turnaround options set forth in subparagraphs 1.-4. or other turnaround models that have a demonstrated record of effectiveness.

(c) Except for schools required to implement a turnaround option pursuant to subsection (5), a school earning a grade of "F" shall have a planning year followed by 2 full school years to implement the initial turnaround option selected by the school district and approved by the state board. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.

(d) A school earning a grade of "F" that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to s.

1001.42(18)(a). The department must annually review implementation of the school improvement plan for 3 years to monitor the school's continued improvement.

(e) If a school earning a grade of "F" does not improve by at least one letter grade after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must select a different option and submit another implementation plan to the department for approval by the state board. Implementation of the approved plan must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve a letter grade if additional time is provided to implement the existing turnaround option.

(5) A school that earns a grade of "F" within 2 years after raising its grade from a grade of "F" or that earns a grade of "F" within 2 years after exiting the lowest-performing category under s. 3, chapter 2009-144, Laws of Florida, must implement one of the turnaround options in subparagraphs (4)(b)2.-5.

(6) A school that earns a grade of "D" for 3 consecutive years must implement the district-managed turnaround option pursuant to subparagraph (4)(b)1. The school district must submit an implementation plan to the department for approval by the state board.

(7) A school classified in the lowest-performing category under s. 3, chapter 2009-144, Laws of Florida, before July 1, 2012, is not required to continue implementing any turnaround option unless the school earns a grade of "F" or a third consecutive "D" for the 2011-2012 school year. A school earning a grade of "F" or a third consecutive "D" for the 2011-2012 school year may not restart the number of years it has been low performing by virtue of the 2012 amendments to this section.

(8) The state board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules shall include timelines for submission of implementation plans, approval criteria for implementation plans, and timelines for implementing intervention and support strategies. The state board shall consult with education stakeholders in developing the rules.

History.—s. 377, ch. 2002-387; s. 1954, ch. 2003-261; s. 45, ch. 2006-74; s. 175, ch. 2007-5; s. 21, ch. 2008-108; s. 3, ch. 2009-144; s. 27, ch. 2011-175; s. 6, ch. 2012-194.

1008.34 School grading system; school report cards; district grade.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the commissioner. The report must also include the percent of students performing at or above grade level and making a year's learning growth in a year's time in reading and mathematics. The provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL GRADES.—The annual report shall identify schools as having one of the following grades, defined according to rules of the State Board of Education:

- (a) "A," schools making excellent progress.
- (b) "B," schools making above average progress.
- (c) "C," schools making satisfactory progress.
- (d) "D," schools making less than satisfactory progress.
- (e) "F," schools failing to make adequate progress.

Each school that earns a grade of "A" or improves at least two letter grades shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's grade declines.

(3) DESIGNATION OF SCHOOL GRADES.—

(a) Each school that has students who are tested and included in the school grading system shall receive a school grade, except as follows:

1. 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 s. 1002.22 or 20 U.S.C. s. 1232g.

2. An alternative school may choose to receive a school grade under this section or a school improvement rating under s. 1008.341. For charter schools that meet the definition of an alternative school pursuant to State Board of Education rule, the decision to receive a school grade is the decision of the charter school governing board.

3. A school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.

(b)1. A school's grade shall be based on a combination of:

a. Student achievement scores, including achievement as measured by FCAT assessments under s. 1008.22(3)(c)1., statewide, standardized end-of-course assessments under s. 1008.22(3)(c)2.a. and b., and achievement scores for students seeking a special diploma.

b. Student learning gains in reading and mathematics as measured by FCAT and statewide, standardized end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a., including learning gains for students seeking a special diploma, as measured by an alternate assessment.

c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.

2. Beginning with the 2011-2012 school year, for schools comprised of middle school grades 6 through 8 or grades 7 and 8, the school's grade shall include the performance and participation of its students enrolled in high school level courses with end-of-course assessments administered under s. 1008.22(3)(c)2.a.

Performance and participation must be weighted equally. As valid data becomes available, the school grades shall include the students' attainment of national industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the state board.

3. Beginning with the 2009-2010 school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, at least 50 percent of the school grade shall be based on a combination of the factors listed in sub-subparagraphs 1.a.-c. and the remaining percentage on the following factors:

a. The high school graduation rate of the school;

b. As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the state board;

c. Postsecondary readiness of all of the school's on-time graduates as measured by the SAT, the ACT, the Postsecondary Education Readiness Test, or the common placement test;

d. The high school graduation rate of at-risk students, who are students scoring at Level 1 or Level 2 on grade 8 FCAT Reading and FCAT Mathematics;

e. As valid data becomes available, the performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

f. The growth or decline in the components listed in sub-subparagraphs a.-e. from year to year.

(c) 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 FCAT and statewide, standardized end-of-course assessments in courses required for high school graduation, including, beginning with the 2011-2012 school year, the end-of-course assessment in Algebra I; and beginning with the 2012-2013 school year, the end-of-course assessments in geometry and Biology I; and beginning with the 2014-2015 school year, on the statewide, standardized end-of-course assessment in civics education at the middle school level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT and statewide, standardized end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school in reading and mathematics, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. 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. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this subparagraph and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative school chooses to be graded under this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. A school district that fails to assign the FCAT and statewide, standardized end-of-course assessment as described in s. 1008.22(3)(c)2.a. scores of each of its students to his or her home school or to the alternative school that receives a grade shall forfeit Florida School Recognition Program funds for 1 fiscal year. School districts must require collaboration between the home school and the alternative school in order to promote student success. This collaboration must include an annual discussion between the principal of the alternative school and the principal of each student's home school concerning the most appropriate school assignment of the student.

4. The achievement scores and learning gains of students designated as hospital- or homebound. Student assessment data for students designated as hospital- or homebound shall be assigned to their home school for the purposes of school grades. As used in this subparagraph, the term "home school" means the school to which a student would be assigned if the student were not assigned to a hospital- or homebound program.

5. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the data listed in subparagraphs 1.-3. and the following data as the Department of Education determines such data are valid and available:

a. The high school graduation rate of the school as calculated by the department;

b. The participation rate of all eligible students enrolled in the school and enrolled in College Board Advanced Placement courses; International Baccalaureate courses; dual enrollment courses; Advanced International Certificate of Education courses; and courses or sequences of courses leading to national industry certification

identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

c. The aggregate scores of all eligible students enrolled in the school in College Board Advanced Placement courses, International Baccalaureate courses, and Advanced International Certificate of Education courses;

d. Earning of college credit by all eligible students enrolled in the school in dual enrollment programs under s. 1007.271;

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

f. The aggregate scores of all eligible students enrolled in the school in reading, mathematics, and other subjects as measured by the SAT, the ACT, the Postsecondary Education Readiness Test, and the common placement test for postsecondary readiness;

g. The high school graduation rate of all eligible at-risk students enrolled in the school who scored at Level 2 or lower on grade 8 FCAT Reading and FCAT Mathematics;

h. The performance of the school's students on statewide, standardized end-of-course assessments administered under s. 1008.22(3)(c)2.c. and d.; and

i. The growth or decline in the data components listed in sub-subparagraphs a.-h. from year to year.

The State Board of Education shall adopt appropriate criteria for each school grade. The criteria must also give added weight to student achievement in reading. Schools earning a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading and mathematics on the FCAT and end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. For schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students. In order for a high school to earn a grade of "A," the school must demonstrate that its at-risk students, as defined in this paragraph, are making adequate progress.

(4) **SCHOOL IMPROVEMENT RATINGS.**—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. A school that improves its rating by at least one level is eligible for school recognition awards pursuant to s. 1008.36.

(5) **SCHOOL REPORT CARD.**—The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be provided by the school district to parents within the district. The report card shall include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. ss. 6301 et seq., and indicators of return on investment. Each school's report card shall be published annually by the department on its website.

(6) **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.

(7) **DISTRICT GRADE.**—The annual report required by subsection (1) shall include the school district's grade. A school district's grade shall be calculated using student performance and learning gains data on statewide assessments used for determining school grades under subparagraph (3)(b)1. for each eligible student enrolled for a full school year in the district. This calculation methodology captures each eligible

student in the district who may have transferred among schools within the district or is enrolled in a school that does not receive a grade.

(8) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

History.—s. 378, ch. 2002-387; s. 46, ch. 2006-74; s. 21, ch. 2008-235; s. 100, ch. 2009-21; s. 3, ch. 2009-222; s. 11, ch. 2010-22; s. 5, ch. 2010-48; s. 55, ch. 2011-4; s. 29, ch. 2011-175; s. 8, ch. 2012-194.

1008.36 Florida School Recognition Program.—

(1) 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.

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

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort 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 receive a school grade pursuant to s. 1008.34 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 subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by February 1, the awards must be equally distributed to all classroom teachers currently teaching in the school. If a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district school superintendent shall distribute the funds to teachers who taught at the school in the previous year in the form of a bonus.

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

(a) Nonrecurring bonuses to the faculty and staff;

(b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(c) Temporary personnel for the school to assist in maintaining and improving student performance.

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

History.—s. 381, ch. 2002-387; s. 24, ch. 2008-235; s. 13, ch. 2010-22.

286.011 Public meetings and records; public inspection; criminal and civil penalties — "Sunshine Law"

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings

open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the

officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.—s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

24.121 Allocation of revenues and expenditure of funds for public education.—

(1) Variable percentages of the gross revenue from the sale of online and instant lottery tickets shall be returned to the public in the form of prizes paid by the department or retailers as authorized by this act. The variable percentages of gross revenue from the sale of online and instant lottery tickets returned to the public in the form of prizes shall be established by the department in a manner designed to maximize the amount of funds deposited under subsection (2).

(2) Each fiscal year, variable percentages of the gross revenue from the sale of online and instant lottery tickets as determined by the department consistent with

subsection (1), and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding any other provision of law, lottery revenues transferred to the Educational Enhancement Trust Fund shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737 or distributed to school districts for the Classrooms First Program as provided in s. 1013.68. Such lottery revenues are hereby pledged to the payment of debt service on bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737. Debt service payable on bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737 shall be payable from, and is secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds pursuant to s. 11(d), Art. VII of the State Constitution.

(3) The funds remaining in the Operating Trust Fund after transfers to the Educational Enhancement Trust Fund shall be used for the payment of administrative expenses of the department. These expenses shall include all costs incurred in the operation and administration of the lottery and all costs resulting from any contracts entered into for the purchase or lease of goods or services required by the lottery, including, but not limited to:

(a) The compensation paid to retailers;

(b) The costs of supplies, materials, tickets, independent audit services, independent studies, data transmission, advertising, promotion, incentives, public relations, communications, security, bonding for retailers, printing, distribution of tickets, and reimbursing other governmental entities for services provided to the lottery; and

(c) The costs of any other goods and services necessary for effectuating the purposes of this act.

(4) The unencumbered balance that remains in the Operating Trust Fund at the end of each fiscal year shall be transferred to the Educational Enhancement Trust Fund.

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature. Prior to the expenditure of these funds, each school district shall establish policies and procedures that define enhancement and the types of expenditures consistent with that definition.

(b) Except as provided in paragraphs (c), (d), and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys

may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements or for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 1001.42(18) or do not comply with school advisory council membership composition requirements pursuant to s. 1001.452(1). The Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1).

(e) All components of the Florida Bright Futures Scholarship Program shall be funded annually from the Educational Enhancement Trust Fund. Funds shall be allocated to this program prior to application of the formula for equitable distribution to public schools, community colleges, and state universities. If shortages require reductions in estimated distributions from the Educational Enhancement Trust Fund, funds for the Florida Bright Futures Scholarship Program shall be reduced only after reductions in all other distributions are made.

(f) Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

History.—s. 21, ch. 87-65; s. 6, ch. 89-208; s. 14, ch. 91-79; s. 2, ch. 91-278; s. 6, ch. 91-283; s. 1, ch. 96-341; s. 10, ch. 97-77; s. 43, ch. 97-190; s. 1, ch. 97-279; s. 12, ch. 97-384; s. 1, ch. 98-271; s. 20, ch. 98-281; s. 26, ch. 99-398; s. 1, ch. 2002-227; s. 883, ch. 2002-387; s. 4, ch. 2003-1; s. 7, ch. 2003-391; s. 1, ch. 2003-406; s. 1, ch. 2004-271; s. 2, ch. 2005-84; s. 12, ch. 2006-79; s. 2, ch. 2008-108.