

State Board Rule 6A-1.099811 - Differentiated Accountability

Effective August 22, 2023

This rule discusses the requirement of differentiated accountability for schools who are not performing well.

<https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.099811>

6A-1.099811 School Improvement State System of Support for Deficient and Failing Schools.

(1) Purpose. The purpose of this rule is to set forth the School Improvement (SI) State System of Support for Deficient and Failing Schools pursuant to Section 1008.33, F.S., by establishing differentiated intervention and support strategies for traditional public schools, delineating the responsibilities of the school, district and Department of Education (Department), setting timelines for intervention and support strategies, prescribing reporting requirements to review and monitor progress of schools, and setting forth submission and approval criteria for Turnaround Option Plans.

(2) Definitions. The following definitions, listed alphabetically, shall be used in this rule and incorporated documents:

(a) "Below effective" means a value-added model rating of Needs Improvement/Developing or Unsatisfactory.

(b) "Classroom walkthrough" means an observation of classroom activities by SI Regional Team members, district staff and school staff to gather data and provide feedback to instructional personnel and administrators to inform instructional practices for improved student achievement.

(c) "Coaching" means serving as an instructional resource in a school to generate improvement in student achievement by improving the quality of instruction through professional learning support to instructional personnel in their respective content areas, as needed, based on an analysis of student performance and observational data.

(d) "Common planning time" means the time provided to grade-level instructional personnel at the elementary level and subject-area instructional personnel at the secondary level to meet together, within and across grades and subjects, for data-based decision making, problem-solving and professional learning on Florida's state academic standards.

(e) "Community Assessment Team" or "CAT" means the team that reviews the school performance, identifies causes of low performance and makes recommendations for school improvement. The CAT shall include, but not be limited to, a Department representative, parents, business representatives, educators, the Regional Executive Director or designee, representatives of local government, and community activists, and shall represent the demographics of the community from which they are appointed.

(f) "Cycle of Turnaround" is the number of years a school has implemented a Turnaround Option Plan (TOP).

- (g) “Direct instructional support” means support provided by a district curriculum or content area specialist who visits the school frequently to provide onsite, job-embedded professional learning and support to classroom instructional personnel.
- (h) “District leadership team” means the team that includes the superintendent and district leadership. This may include those in charge of curriculum, general and exceptional student education, student services, human resources, professional learning, and other areas relevant to school improvement. The district-based leadership team shall develop and implement the district-managed turnaround option plan.
- (i) “District Strategic Plan” means a district-level plan, which includes strategies for improving school performance and increasing student achievement and demonstrates how resources are aligned to ensure schools demonstrating the greatest need receive the highest percentage of resources.
- (j) “Early warning system” or “EWS” is a system used in any school that serves students in kindergarten through grade eight used to identify students who need additional support to improve academic performance and stay engaged in school pursuant to Section 1001.42(18), F.S.
- (k) “Educational emergency” exists in a school district if one or more of the schools in the district have a school grade of “D” or “F” pursuant to Section 1001.42(21), F.S. A district with SI schools shall negotiate special provisions of its contract with the appropriate bargaining unit to free schools from contract restrictions that limit the schools ability to implement programs and strategies needed to improve student performance.
- (l) “Graduation rate” means the percentage of students who earned a standard diploma within four (4) years of their first full year of enrollment in ninth grade in the state as determined by subsection 6A-1.09981(4), F.A.C., School and District Accountability.
- (m) “Increased learning time” means lengthening the school day, week, or year; providing before school, after school, Saturday or summer school programs to allow additional time for instruction in core academic subjects; providing enrichment activities that contribute to a well-rounded education; and allowing time for teacher collaboration, planning and professional learning.
- (n) “Instructional coach” means a staff member with a proven record of effectiveness in a specific content area who has knowledge of adult learning to build capacity through coaching cycles in the development and modeling of effective lessons, use of instruments, analysis of assessment and anecdotal data, and providing professional learning and ongoing feedback.
- (o) “Instructional Review” or “IR” means the continuous process used by the SI Regional Team, in collaboration with school and district leadership teams, to review a school’s performance data trends, conduct classroom walkthroughs, assist with development of action plans and review school improvement plan(s) to address opportunities for improvement.
- (p) “Memorandum of Understanding” or “MOU” means an agreement with the school district and bargaining unit pursuant to Section 1001.42(21), F.S., to be negotiated that addresses the selection, placement and expectations of instructional personnel. The MOU must be provided to the Department by September 1, after the issuance of the SI school’s grade, pursuant to Section 1008.33(4)(a), F.S.
- (q) “Multi-Tiered System of Supports” or “MTSS” means the system utilizing the problem-solving process to identify and support student needs based upon the available data. The data used in the process may include, but is not limited to, attendance, behavior/discipline, statewide assessment and progress monitoring assessment data.
- (r) “Needs Assessment” means a systematic process that includes a thorough analysis of available state, district, and school-level trend data to determine priorities, address needs or gaps, and allocate resources between current conditions and desired state.

(s) “Planning and Problem Solving” refers to a cycle of continuous improvement that allows stakeholder groups to engage in the formation of a strategic goal(s) and then develop implementation and monitoring plans.

(t) “Progress monitoring” means the continuous review of assessments that inform educators about ongoing student progress for mastery of Florida’s grade level standards in mathematics, English Language Arts (ELA), science, and social studies.

(u) “Quarterly Data Review” or “QDR” is a quarterly survey used to gather instructional personnel and student data to inform state, district, and school leaders about professional capacity and school climate as related to student achievement.

(v) “Regional Executive Director” or “RED” means the person who leads the SI Regional Team to support and monitor district and school improvement efforts.

(w) “School Advisory Council” or “SAC” means an advisory council for each school established by the district school board pursuant to Section 1001.452, F.S.

(x) “School Improvement” or “SI” means the system set forth pursuant to Section 1008.33, F.S., in which the state provides support and interventions of escalating intensity to low-performing schools in order to improve and sustain performance of all student subgroups, and holds districts accountable for improving the academic achievement of all students and turning around low-performing schools.

(y) “School Improvement Plan” or “Schoolwide Improvement Plan” or “SIP” means a fluid plan developed by school leadership and approved by the SAC and district to guide school improvement planning, problem solving and implementation processes by coordinating strategies and resources that will lead to increased student achievement.

(z) “School Improvement Regional Team” means the staff assigned by the Department to provide assistance to schools and districts located in geographic regions.

(aa) “School Improvement Schools” or “SI schools” means graded public schools identified for support and intervention by the Department because the schools earned a grade of “D,” a grade of “F” or produced a graduation rate of sixty-seven (67) percent or less.

(bb) “Turnaround Option Plan” or “TOP” means a district-level plan to implement one of four turnaround options in a school: District-managed turnaround, Reassignment/ Closure, Charter School and External Operator/Outside Entity as described in Section 1008.33, F.S.

(cc) “Value-added model” or “VAM” means the individual student learning growth models based on the statewide standardized assessments authorized in Section 1012.34(7), Florida Statutes, and further described by Rule 6A-5.0411, F.A.C. The three-year aggregated state VAM files includes instructional personnel with one to three years of state VAM data.

(dd) “VAM rating” means a rating of Highly Effective, Effective, Needs Improvement or Developing and Unsatisfactory as assigned using the methodology described in Rule 6A-5.0411, F.A.C.

(3) School Improvement (SI) Tiers of Support. All SI schools are in need of support and intervention from the school district and the Department and are provided this within the context of a three-tiered system.

(a) A Tier 1 SI school is any school that earns a single grade of “D” or has a graduation rate of sixty-seven (67) percent or less.

(b) A Tier 2 SI school is any school that earns a single grade of “F” or consecutive grades of “D” in any school year in which the school received a grade and is in the first cycle of turnaround.

(c) A Tier 3 SI school is any school that has completed one or more cycles of turnaround and has not improved its grade to at least a "C."

(4) SI Notification. In order to assist school districts with support and interventions for SI schools, the Department shall:

(a) Prior to the start of each school year, publish a list when school grades are released to notify school districts of any SI schools in the district;

(b) Provide notice of the Tier of Support for the SI school;

(c) Provide districts with Value-added Model (VAM) data on instructional personnel no later than July 31 of each year; and

(d) Provide districts with student assessment, school grade, and graduation rate data annually.

(5) Support Strategies for SI schools.

(a) Districts with a SI school must coordinate with the Department, the Regional Executive Director (RED) or designee, and the school to identify and implement tailored support and improvement strategies designed to address low performance at the school.

(b) The support and improvement strategies that must be considered by a district that has any SI school to improve student performance are to:

1. Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a VAM rating of Highly Effective or Effective;

2. Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective;

3. Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five (5) total schools and less than the state average, if the district has five (5) or fewer schools;

4. Staff the school with a principal who has a successful record of leading a turnaround school and who have the qualifications to support the student population at the assigned SI school;

5. Ensure the instructional programs align to Florida's state academic standards across grade levels and are proven to be effective with schools that are low-performing with students of similar demographics;

6. Ensure that K-12 intensive reading instruction is provided by with a reading certificate, endorsement or micro-credential pursuant to s. 1011.62(8)(d)7, F.S.;

7. Ensure the instructional and intervention programs for reading are consistent with Section 1001.215(8), F.S.;

8. Ensure remedial and supplemental instructional resources are prioritized for K-3 students with a substantial deficiency in reading in accordance with the district's K-12 Comprehensive Evidence-based Reading Plan; and

9. Implement other school improvement strategies recommended by the RED that are designed to lead to school improvement in SI schools.

(c) The support and improvement strategies that must be implemented by a district that has any SI school to improve student performance are to:

1. Dedicate at least one position at the district level to lead school improvement in the district;
2. Utilize formative and summative assessments that are aligned to Florida's state academic standards;
3. Ensure that common planning time occurs at the SI school;
4. Obtain approval from the Department to retain or replace a principal at a Tier 2 or Tier 3 school, regardless of whether or not the principal will be employed by the school district, charter or external operator/outside entity (EO);
5. Collaborate with the Department and the SI school to develop a school improvement plan that identifies areas of focus, implements strategies and utilizes resources designed to lead to increased student achievement;
6. Support and monitor the distribution of all grant funds to ensure schools with the greatest need receive the highest percentage of resources; and
7. For any Tier 1, District-Managed Turnaround (DMT) and External Operator/Outside Entity (EO) schools, submit annually to the Department, a MOU required by section 1001.42(21), F.S.

(6) Documentation of Planning and Implementation of Improvements. A school district with any SI school must document its improvement planning and implementation at the district level and ensure the SI school documents improvement planning and implementation at the school level.

(a) SI-1 Checklist (District Form). Except where a school is implementing the turnaround option of Reassignment and Closure (RC), school districts must utilize the form entitled SI-1 Checklist for each SI school in the district to document the following:

1. District action on improvement strategies set forth in paragraph (5)(b);
2. District compliance with improvement strategies set forth in paragraph (5)(c); and
3. Other actions taken by the district to improve school performance.

(b) SI-2 Checklist (School Form). Except where a school is implementing the turnaround option of Reassignment and Closure (RC), school districts must ensure that SI school leadership utilizes the form entitled SI-2 Checklist to document improvement planning and implementation at the school level throughout the school year. This documentation must include the following:

1. The development, implementation and monitoring of a School Improvement Plan (SIP);
2. The alignment of the SIP and Turnaround Option Plan (TOP), if applicable;
3. The completion of the SIP mid-year reflection and, as necessary, revision of the SIP;
4. Review of VAM data and district evaluations to ensure hiring decisions comply with the requirement that Unsatisfactory or Needs Improvement instructional personnel are not staffed at a SI school as provided in paragraphs (9)(a) and (b), (11)(a) and (b), and (12)(a) and (b), and that hiring decisions are calculated to improve school performance;
5. Review of student progress monitoring data, at least quarterly;

6. Modifications made as a result of the IRs, including modifications to the pacing, curriculum and assessments; and

7. Other strategies designed to improve school performance, including those identified in the TOP and any contractual agreements executed to implement the TOP.

(c) Reassignment and Closure School Report. Where a school is implementing the turnaround option of Reassignment and Closure (RC), districts must complete quarterly reports that include student attendance, grades and progress monitoring data aligned to Florida's State Academic Standards, the type of intervention and instruction provided to students to address deficiencies, as well as all instructional personnel assigned to students from the closed school and their VAM rating.

(d) Principal Verification Form. In order to seek approval from the Department to retain or replace a principal at a Tier 2 or Tier 3 school, a school district must submit to the Department a Principal Verification Form.

1. The form must provide the following information:

a. The rationale for replacing the principal;

b. Evidence that the proposed principal has a proven record of success and the qualifications to support the school community;

c. Any operational flexibility that the proposed principal will be afforded in the turnaround school, including the authority in selecting school leadership and instructional staff; and

d. Actions the district and if applicable, the charter or EO, will take regarding the school leadership if the school's grade does not improve.

2. The Department will notify a district of its decision on the request within five (5) business days of receipt of a completed Principal Verification Form. In order to grant the request, the Department must determine, based upon the strength and timing of the proposed principal's experience and qualifications, the needs of the turnaround school, and the operational flexibility to be provided to the proposed principal, that the principal has the ability to lead the turnaround school.

(7) Turnaround Option Plan Types.

(a) Turnaround plans are two-year district improvement plans that are required for a school that earns two (2) consecutive grades of "D" or a single grade of "F." A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a Turnaround Option Plan for approval by the State Board of Education. All Turnaround Option Plans must be designed to improve a SI school's grade to a "C" or better within two (2) school years.

(b) The four (4) Turnaround Option Plan types are:

1. District-managed Turnaround Option Plan (DMT). DMT is the option through which the school district manages the two-year Turnaround Option Plan at the school;

2. Reassignment and Closure Turnaround Option Plan (RC). RC is the option through which the district closes the school, reassigns students to a "C" or higher graded school(s), monitors the progress of those students and provides supports tailored to address student deficiencies;

3. Charter School Turnaround Option Plan (CH). CH is the option through which the district contracts with a charter school with a record of effectiveness to operate SI the school; and

4. External Operator/Outside Entity Turnaround Option Plan (EO). EO is the option through which the district contracts with an outside entity that has a record of effectiveness to provide turnaround services including school leadership, educational modalities, teacher and leadership professional learning, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof. An EO/Outside Entity includes one or a combination of the following:

- a. An EO/ Outside Entity, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter; and
- b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more SI schools.

(8) Turnaround Option Plan Steps. All Turnaround Option Plans must be completed by the district in collaboration with the Department. There are two (2) steps in the development of a Turnaround Option Plan.

(a) Step one requires the district to engage stakeholders in planning for the development of the Turnaround Option Plan by:

1. Identifying the causes for low performance with stakeholders and making recommendations for improvement at the SI school;
2. Describing the methodology and results of a needs assessment utilizing quantitative and qualitative data;
3. Providing a rationale for the selected turnaround option; and
4. Agreeing to meet assurances based upon the turnaround option selected.

(b) Step two requires the district to develop a Turnaround Option Plan for implementation by:

1. Submitting the plan to the RED for review and feedback;
2. Obtaining approval of the plan by the local school board; and
3. Submitting the plan to the Department for State Board of Education approval.

(9) District-managed Turnaround (DMT).

(a) DMT-Step One. The district must meet and document the requirements set forth in paragraph (8)(a) of this rule, and the following requirements on the form entitled, District-Managed Turnaround Option Plan–Step 1, TOP-1.

1. Agree to meet the following assurances:
 - a. Ensure the district-leadership team develops and implements the DMT and dedicates a district position to lead the turnaround efforts;
 - b. Ensure the instructional programs align to Florida’s state academic standards across grade levels and are proven to be effective with schools that are low-performing with students of similar demographics;

- c. Ensure progress monitoring assessments are aligned to Florida's state academic standards and provide valid data to support intervention for students;
- d. Ensure the development of an annual professional learning plan that provides ongoing tiered support to increase leadership and educator quality;
- e. Ensure the principal will be replaced upon entry into DMT unless in collaboration with the Department, it is determined that the principal will have the skillset for turnaround success at the school;
- f. Ensure the principal and has a successful record in leading a turnaround school, and the qualifications to support the student population being served;
- g. Ensure the review of practices in hiring, recruitment, retention, and reassignment of instructional personnel have been reviewed with priority on student performance data;
- h. Ensure that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five (5) total schools. If the district has five (5) or fewer schools, ensure that the percentage of instructional personnel assigned to the school with a that is below effective, is less that the state average;
- i. Ensure that the instructional personnel who do not have a VAM rating and who do not show evidence of increasing student achievement are not rehired at the school;
- j. Ensure that the percentage of temporarily certified instructional personnel, instructional personnel in need of improvement or out-of-field instructional personnel assigned to the school is not higher than the district average; and
- k. Ensure that K-12 reading instruction is provided by teachers with a reading certificate, endorsement or micro-credential pursuant to s. 1011.62(8)(d)7, F.S..

2. Submit to the Department a Memorandum of Understanding (MOU) required by Section 1001.42(21), F.S., that relieves the school from any contract restrictions that limit the ability to implement strategies to improve the school's low performance;

3. Submit to the Department rosters of instructional staff at the school; and

4. Provide information on the VAM rating of instructional staff that compares the school's instructional personnel to the district VAM rating distributions.

(b) DMT – Step Two. The district must meet and document the following requirements on the form entitled District-Managed Turnaround Option Plan–Step 2, TOP-2.

1. Describe the methodology and results of a needs assessment utilizing quantitative and qualitative data;
2. Describe how the results of the needs assessment are addressed by the plan;
3. Provide a summary of the DMT plan that includes information on leadership, standards- based instruction and the culture and environment;
4. Describe how the two-year DMT plan and the annual SIP work together to improve student performance;
5. Describe the district-leadership team and its role in implementing the DMT plan;

6. Describe how the instructional programs align to Florida's state academic standards across grade levels and are proven to be effective with schools that are low-performing with students of similar demographics;
7. Describe how the instructional and intervention programs for reading are consistent with Section 1001.215(8), F.S.;
8. Describe how progress monitoring assessments are aligned to Florida's state academic standards and provide valid data to support intervention for students;
9. Describe the district's allocation of resources and how they align to the specific needs of the school;
10. Describe how remedial and supplemental instruction resources are prioritized for K-3 students with a substantial deficiency in reading in accordance with the district's K-12 Comprehensive Evidence-Based Reading Plan;
11. Describe how the district recruited the principal and assistant principal and provide evidence that demonstrates they have a successful record in leading a turnaround SI school and the qualifications to support the student population being served;
12. Describe the district's systems that ensure the school has effective educators capable of improving student achievement, including priority in hiring, recruitment and retention incentives and professional learning and coaching support;
13. Describe how the district fills vacancies in core content areas ensuring incentives are offered and priority in hiring is given to the school;
14. Describe how the district recruits instructional personnel with Highly Effective or Effective VAM ratings; and
15. Provide information demonstrating that the school meets the instructional staffing requirements set forth above in sub-subparagraph (9)(a)1.h. of this rule.

(10) Reassignment/Closure (RC).

(a) RC-Step One. The district must meet and document the requirements set forth in paragraph (8)(a) of this rule and the following requirements on the form entitled, Turnaround Option Plan–Step 1, TOP-1, 3-Options:

1. Ensure that the students from the closed school are assigned to school(s) with a grade of "C" or higher;
2. Ensure that students from the closed school are not assigned to instructional personnel with VAM ratings or district evaluations that are below effective;
3. Ensure that the district will monitor for three (3) school years on a quarterly basis the following: student attendance, grade and progress monitoring data, the type of intervention and instruction provided to students to address deficiencies, as well as all instructional personnel assigned to the students and their VAM rating;
4. Ensure that for the upcoming school year, instructional personnel from the closed school with VAM ratings that are below effective are not reassigned to other SI schools within the district;
5. Ensure that administrators from the closed school are not reassigned to other SI schools within the district for the upcoming school year; and

6. Ensure that, for the upcoming school year, instructional personnel from the closed school who are rated below effective are not assigned to:

- a. A high school or middle school student who was taught by a classroom teacher with a VAM rating that is below effective for the previous school year in the same subject area.
- b. An elementary school student who was taught by a classroom teacher with a VAM rating that is below effective for the previous school year.

(b) RC-Step Two. The district must meet and document the following requirements on the form entitled, Turnaround Option Plan-Step 2, TOP-2, Reassignment/Closure.

1. Describe how the district will ensure that the students from the closed school are assigned to a school with a grade of "C" or higher;
2. Describe how the district will ensure that students from the closed school are not assigned to instructional personnel with VAM ratings or the district evaluations that are below effective;
3. Describe how the district will ensure that intervention and instruction are provided to students to address deficiencies, and that student attendance, grade, and progress monitoring data, as well as all instructional personnel assigned to the student and their VAM rating, will be monitored for the students from the closed school for three (3) school years on a quarterly basis;
4. Describe how the district will ensure that instructional personnel with VAM ratings that are below effective are not reassigned to other SI schools for the upcoming school year; and
5. Describe how the district will ensure that administrators are not reassigned to other SI schools within the district for the upcoming school year.

(11) Charter School (CH).

(a) CH-Step One. The district must meet and document the requirements set forth in paragraph (8)(a) of this rule, and the following requirements on the form entitled, Turnaround Option Plan-Step 1, TOP-1, 3-Options.

1. Ensure the district closes the school and reopens it as a charter or multiple charter schools;
2. Ensure the district enters into a contract with a charter or multiple charters that have a record of turning around schools that are low-performing with students of similar demographics or a charter school with a record of high performance;
3. Ensure that instructional personnel with VAM ratings or district evaluations that are below effective do not serve as instructional personnel at the school; and
4. Ensure the principal or school leader has a successful record and the qualifications to support the student population being served.

(b) CH-Step Two. The district must meet and document the following requirements on the form entitled, Turnaround Option Plan-Step 2, TOP-2, Charter.

1. Describe how the district will ensure that the school will close and reopen it as a charter or multiple charters;
2. Describe how the district will ensure it enters into a contract with a charter organization following established district policy and procedures;

3. Describe how the district will ensure selection of a charter organization that has a record of turning around a school serving low-performing students who have similar demographics or a charter school with a record of high performance;
4. Describe how the district will ensure that instructional personnel with VAM ratings or district evaluations that are below effective are not staffed at the school for the upcoming school year; and
5. Describe how the district will ensure the principal or school leader has a successful record and the qualifications to support the student population being served.

(c) The district shall submit to the Department for Cycle Two, Cycle Three and Cycle Four schools as described in subsection (13) of this rule, an executed contract with the charter operator no later than May 1, prior to the implementation of the Turnaround Option Plan.

(12) External Operator/Outside Entity (EO).

(a) EO-Step One. The district must meet and document the requirements set forth in paragraph (8)(a) of this rule, and the following requirements on the form entitled, Turnaround Option Plan–Step 1, TOP-1, 3-Options.

1. Ensure the district will select an EO/Outside Entity which has a record of school improvement in turning around schools that are high-poverty and low-performing with students of similar demographics;
2. Ensure that the incoming principal and school leadership team have a successful record in leading turnaround schools and the qualifications to support the population being served;
3. Ensure that instructional personnel with VAM ratings or district evaluations that are below effective are not staffed at the school;
4. Ensure that if a district-managed charter school or a high-performing charter school network is established all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter;
5. Ensure the instructional programs align to Florida's state academic standards and provide data to support intervention for students;
6. Ensure the development of an annual professional learning plan that provides ongoing tiered support to increase leadership and educator quality;
7. Ensure the principal will be replaced upon entry into EO/Outside Entity unless in collaboration with the Department, it is determined that the principal will have the skillset for turnaround success at the school;
8. Ensure the review of practices in hiring, recruitment, retention, professional learning and coaching support have been reviewed by the district and EO/Outside Entity with priority on student performance data;
9. Ensure that K-12 reading instruction is provided by teachers with a reading certificate, endorsement, or micro-credential;
10. Ensure the district will submit to the Department a MOU required by section 1001.42(21), F.S., that relieves the school from any contract restrictions that limit the ability to implement strategies to improve the school's low performance;

11. Ensure the district will submit to the Department rosters of instructional staff at the school; and

12. Ensure that the district will enter into an annual contract with the EO/Outside Entity to provide turnaround services or to operate the school following established district policies and procedures and that the contract with an EO/Outside Entity will include:

a. Performance indicators and growth metrics that the EO/Outside Entity must meet during the term of the contract showing that the school is on track to earn at least a "C" grade within two (2) years and that ties payment to such improvement;

b. The district's authority to terminate or non-renew the contract for a second year should the EO/Outside Entity fail to meet the performance indicators and growth metrics or fail to meet its contractual obligations;

c. Services and responsibilities for leadership and instructional staffing, curriculum and instruction, assessments, progress monitoring and professional learning;

d. EO/Outside Entity's record of school improvement and its role in recruitment, selection and placement of instructional personnel and the school leadership team;

e. Where the district has an existing contract with the EO/Outside Entity, a detailed provision outlining the new or modified services to be provided by the EO/Outside Entity;

f. A detailed budget with conditions of payment based on performance indicators, including a deferred payment of the final installment of thirty-three (33) percent of the contracted amount until delivery of agreed upon improvement and outcomes. The contract must include a provision where the final thirty-three (33) percent of the contract value may not be paid until and unless the EO/Outside Entity demonstrates that the school has achieved at least a "C" grade or that the school has improved by at least four (4) school grade percentage points overall; and

g. The district's authority to modify, terminate or non-renew the contract for a second year should the State Board determine that the EO/Outside Entity failed to meet the performance indicators, growth metrics or is otherwise not on track to achieve a grade of at least a "C" within two (2) years of the release of school grades.

(b) EO-Step Two. The district must meet and document the following requirements on the form entitled, Turnaround Option Plan-Step 2, TOP-2.

1. Describe how the district selected an EO/Outside Entity that has a record of school improvement in turning around schools that are low-performing with students of similar demographics;

2. Provide a summary of the EO/Outside Entity plan that includes information on leadership, standards-based instruction and the culture and environment;

3. Describe how the two-year EO/Outside Entity plan and the annual SIP work together to improve student performance;

4. Describe the district leadership team and its role in implementing the EO/Outside Entity plan;

5. Describe how the incoming principal and school leadership team who have a successful record in leading SI schools and the qualifications to support the population being served were selected;

6. Describe how the district will ensure that instructional personnel with VAM ratings that are below effective are not staffed at the school;

7. Describe the process for filling vacancies in core content areas ensuring incentives are offered and priority in hiring is given to the school;
8. Describe how instructional personnel with Highly Effective or Effective VAM ratings are recruited;
9. Describe how the instructional programs align to Florida's state academic standards across grade levels and are proven to be effective with schools that are low-performing with students of similar demographics;
10. Describe how the instructional and intervention programs for reading are consistent with section 1001.215(8), F.S.;
11. Describe the district's allocation of resources and how they align to the specific needs of the school;
12. Describe how remedial and supplemental instruction resources are prioritized for K-3 students with a substantial deficiency in reading in accordance with the district's K-12 Comprehensive Evidence-Based Reading Plan provided under Rule 6A-6.053, F.A.C.;
13. Describe the district's systems that ensure the school has effective educators capable of improving student achievement, including priority in hiring, recruitment and retention incentives and professional learning and coaching support;
14. Describe how the district will ensure that if a district-managed charter school is established all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review and approval of the charter; and
15. Describe how the district will enter into an annual contract with the EO/Outside Entity to operate the school following established district policies and procedures and describe the state of contract negotiations with an EO/Outside Entity that addresses:
 - a. Performance indicators and growth metrics that the EO/Outside Entity must meet to demonstrate that during the term of the contract there will be quantifiable evidence of improvement showing that the school is on track to earn at least a "C" grade within two (2) years and that ties payment to such improvement;
 - b. The district's authority to terminate or non-renew the contract for a second year should the EO/Outside Entity fail to meet the performance indicators or fail to meet its contractual obligations;
 - c. Services and responsibilities in leadership and instructional staffing, curriculum and instruction, assessments, progress monitoring and professional learning;
 - d. The EO/Outside Entity's role in recruitment, selection and placement of instructional personnel and the school leadership team;
 - e. Where the district has an existing contract with the EO/Outside Entity, a detailed provision outlining the new or modified services to be provided by the EO/Outside Entity;
 - f. A detailed budget with conditions of payment based on performance indicators, including a deferred payment of the final installment of thirty-three (33) percent of the contracted amount until delivery of agreed upon improvement and outcomes. The contract must include a provision where the final thirty-three (33) percent of the contract value may not be paid until and unless the EO/Outside Entity demonstrates that the school has achieved at least a "C" grade or that the school has improved by at least four (4) school grade percentage points

overall; and

g. The district's authority to modify, terminate or non-renew the contract for a second year should the State Board determine that the EO/Outside Entity failed to meet the performance indicators, growth metrics or is otherwise not on track to achieve a grade of at least a "C" within two (2) years of the release of school grades.

(c) The district shall submit to the Department for Cycle Two, Cycle Three and Cycle Four schools, an executed performance contract with the EO/Outside Entity, prior to the implementation of the Turnaround Option Plan.

(13) Timeline. The deadlines the district must meet are set forth below.

(a) Tier 1 SI schools:

1. SI-1 and SI-2 Checklist forms are due prior to the start of the school year and must be reviewed by the district at a minimum of three (3) times a year;
2. Instructional Staff Rosters are due August 30; and
3. MOU is due September 1.

(b) Tier 2-SI schools:

1. For DMT, CH and EO/Outside Entity schools, the SI-1 and SI-2 Checklist forms are due prior to the start of the school year and reviewed by the district at a minimum of three (3) times a year;
2. Instructional Staff Rosters are due August 1;
3. For DMT schools, MOU is due September 1;
4. TOP-1 due September 1 after the school grade requiring turnaround is issued; and
5. TOP-2 due October 1 of the same school year.

(c) Tier 3 SI schools:

1. For DMT, CH and EO/Outside Entity schools, the SI-1 and SI-2 Checklist forms must be completed with the Regional School Improvement team prior to the start of the school year and reviewed by the district at a minimum of three (3) times a year;
2. Instructional Staff Rosters are due August 1, except for RC;
3. For DMT schools, MOU is due September 1;
4. TOP-1 is due November 1 of the school year prior to implementation;
5. TOP-2 and proposed contract with an EO/Outside Entity or CH is due January 31 of the school year prior to implementation; and
6. Executed annual contract with an EO/Outside Entity or CH due May 1, prior to the school year of implementation of the Turnaround Option Plan.

(d) Principal Change Verification Form is due to the Department no later than ten (10) days prior to the proposed date of the change in leadership and prior to TOP.

(e) Reassignment and Closure School Report is due to the Department quarterly for three (3) years beginning with the first year students from the closed school are reassigned.

(14) State Board Approval of District Turnaround Option Plans.

(a) When considering whether to approve a Turnaround Option Plan, the State Board shall consider, at a minimum, the following factors:

1. The strength of the Turnaround Option Plan;
2. Whether the plan is sufficiently tailored to address the causes of low performance;
3. The prior record of the proposed school leadership team in improving low performing schools;
4. The school district's history of success with this school and other low performing schools in the district; and
5. The extent to which the recommendations of the RED and the Department have been incorporated into the district's Turnaround Option Plan.

(b) Approval. The State Board shall approve a Turnaround Option Plan when a school district:

1. Meets the requirements for Turnaround Option Plan set forth in this rule and incorporated forms; and
2. Demonstrates that it is more likely than not that the school will improve to a grade of at least a "C" during implementation of the two year Turnaround Option Plan or where a district has selected reassignment and closure (RC), demonstrates that the intervention and instruction to be provided to students from the closed school are sufficiently tailored and robust to improve deficiencies..

(15) Revocation of an Approved Turnaround Option Plan.

(a) The State Board is authorized to revoke a Turnaround Option Plan when:

1. A district has failed to follow the terms of its approved Turnaround Option Plan or meet the requirements for such plans, as set forth in subsections (9) through (12) of this rule; and
2. It is unlikely the school will improve to a grade of at least a "C" during the remainder of the implementation of the two-year Turnaround Option Plan.

(b) Prior to revocation, the State Board shall consider, at a minimum, any curative action taken or proposed by the district and the feasibility of an amended plan to improve student performance during the remainder of the approval period.

(c) A school district shall be afforded written notice at least seven (7) days before the matter will be considered by the State Board.

(d) Upon revocation, a district shall be afforded no less than twenty (20) days to submit a revised Turnaround Option Plan to the State Board.

(16) Exiting School Improvement. In order to exit SI, a school must meet one of the following requirements:

(a) When the school is categorized as a SI school based upon its grade, the school must earn a grade of at least a "C;" or

(b) When the school is categorized as a SI school solely based upon its graduation rate, the school must achieve a graduation rate that exceeds sixty-seven (67) percent.

(17) Extension of a Turnaround Option Plan.

(a) A district may request additional time to implement its Turnaround Option Plan if the request is approved by the local school board and the following conditions are met:

1. The request is received by the Department on or before November 1 of the year before the extension would be implemented, and is submitted on the form entitled TOP-1, 3-Options;
2. The request demonstrates that the school has a positive trajectory using the school grade components listed in Section 1008.34(3)(b), F.S.;
3. The request demonstrates that the SI school has no instructional personnel with VAM ratings of Unsatisfactory and that the percentage of instructional personnel with VAM ratings of Needs Improvement is at or below the district percentage where the district has more than five (5) schools, or the state percentage where the district has five (5) or fewer schools;
4. During the remainder of the implementation of the Turnaround Option Plan, the district agrees to staff the school without any Unsatisfactory rated instructional personnel and maintain or improve the school's percentage of Needs Improvement rated instructional personnel from the percentage reported; and
5. The request includes a description of the services that will be implemented to ensure the sustainability of improvement in the next year and beyond.

(b) The State Board of Education shall approve a district's request for additional time to implement its Turnaround Option Plan when a school district:

1. Meets the requirements set forth in paragraph (17)(a) of this rule; and
2. The State Board determines that the school district has demonstrated that it is more likely than not that the school will improve to a grade of at least a "C" during an extended period of implementation of the Turnaround Option Plan.

(18) Failure to comply with the requirements of this rule will subject a district to the remedies provided in Section 1008.32, F.S.

(19) Forms. The following forms are hereby incorporated by reference: Form SI-1, Checklist (District Form) (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15722>); Form SI-2, Checklist (School Form) (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15723>); Form PCV-1, Principal Change Verification (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15724>); Form TOP-1, District-managed Turnaround Plan-Step 1 (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15725>); Form TOP-2, District-managed Turnaround Plan-Step 2 (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15726>); Form TOP-1, Turnaround Option Plan-Step 1, 3-Options (effective October 2019) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15727>); Form TOP-2, Turnaround Option Plan-Step 2, Reassignment/Closure (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15728>); Form TOP-2, Turnaround Option Plan-Step 2, Charter (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15729>); and Form TOP-2, Turnaround Option Plan-Step 2, External Operator/Outside Entity (effective August 2023) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15730>). All forms may be obtained by contacting the BSI, Division of Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.