

By Senator Gelber

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1 A bill to be entitled
2 An act relating to public school education; amending
3 ss. 1002.33, 1003.03, 1003.413, and 1003.4156, F.S.,
4 relating to discontinuance of administration of the
5 Florida Comprehensive Assessment Test (FCAT), to
6 conform to changes made by the act; deleting
7 requirement that district school boards establish
8 policies for intensive reading and mathematics
9 intervention courses in high school; providing for
10 intervention services; amending s. 1003.428, F.S.;
11 requiring that students be advised of the availability
12 of certain courses for purposes of high school
13 graduation; providing new credit requirements for high
14 school graduation with a standard diploma; providing
15 for remediation and intervention services in certain
16 circumstances; revising general requirements for high
17 school graduation; conforming provisions relating to
18 discontinuance of FCAT administration; amending s.
19 1003.429, F.S.; requiring that students be advised of
20 the availability of certain courses for purposes of
21 accelerated high school graduation options; revising
22 general requirements for accelerated high school
23 graduation; amending ss. 1003.433, 1003.493, and
24 1007.35, F.S., relating to discontinuance of FCAT
25 administration and revised general requirements for
26 high school graduation, to conform to changes made by
27 the act; amending s. 1008.22, F.S.; revising the
28 statewide student assessment program to discontinue
29 use of the FCAT; requiring the assessment program to

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30 consist of subject area assessments for students in
31 grades 3 through 5, subject area assessments and end-
32 of-course examinations in core and noncore subjects
33 for students in grades 6 through 12, and diagnostic
34 assessments for students in grades 6, 8, and 10;
35 requiring school districts to provide intervention
36 services to certain students; requiring the State
37 Board of Education to adopt rules that specify passing
38 scores on end-of-course examinations; providing that
39 results on end-of-course examinations are one
40 component of requirements for high school graduation;
41 providing for certain waivers; clarifying schedules
42 for assessment and reporting; revising provisions
43 relating to test-preparation activities; deleting
44 provisions relating to use of concordant scores for
45 the FCAT; amending s. 1008.25, F.S.; requiring
46 intervention services for certain students as part of
47 the comprehensive program for student progression;
48 conforming provisions relating to the revision of the
49 statewide student assessment program; deleting
50 mandatory retention for certain grade 3 students;
51 authorizing promotion for good cause; providing for
52 reporting; amending s. 1008.30, F.S.; revising
53 provisions relating to use of the common placement
54 test to conform to discontinuance of FCAT
55 administration; amending ss. 1008.34 and 1008.341,
56 F.S.; deleting use of the FCAT as a basis for
57 determining school grades and school improvement
58 ratings; providing for student results on subject area

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59 assessments and end-of-course examinations to
60 partially determine school grades and school
61 improvement ratings; providing additional factors for
62 such determination; conforming provisions relating to
63 revision of the Florida School Recognition Program;
64 amending s. 1008.345, F.S.; conforming provisions
65 relating to revision of the Florida School Recognition
66 Program; amending s. 1008.36, F.S.; changing the
67 Florida School Recognition Program to the Every Child
68 Matters Program; providing intent and purpose of the
69 program; providing for financial assistance to schools
70 providing remediation and intervention services to
71 certain students; specifying the uses of program
72 funds; providing Department of Education duties;
73 amending s. 1009.531, F.S.; adding a cross-reference
74 to high school graduation requirements; amending s.
75 1011.62, F.S.; conforming provisions relating to
76 revision of the Florida School Recognition Program and
77 discontinuance of FCAT administration; amending s.
78 1012.22, F.S.; conforming provisions relating to
79 discontinuance of FCAT administration; providing for
80 the appointment of a public school assessment and
81 accountability alignment committee to develop
82 standards for a revised statewide student assessment
83 program, procedures for transitioning to the new
84 program, and standards for determining school grades
85 and school improvement ratings; providing for
86 membership; providing duties of the alignment
87 committee, the State Board of Education, and the

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88 Department of Education; providing a timetable for
89 implementation; providing for future expiration of the
90 alignment committee; providing effective dates.

91

92 Be It Enacted by the Legislature of the State of Florida:

93

94 Section 1. Paragraph (a) of subsection (20) of section
95 1002.33, Florida Statutes, is amended to read:

96 1002.33 Charter schools.—

97 (20) SERVICES.—

98 (a) A sponsor shall provide certain administrative and
99 educational services to charter schools. These services shall
100 include contract management services; full-time equivalent and
101 data reporting services; exceptional student education
102 administration services; services related to eligibility and
103 reporting duties required to ensure that school lunch services
104 under the federal lunch program, consistent with the needs of
105 the charter school, are provided by the school district at the
106 request of the charter school, that any funds due to the charter
107 school under the federal lunch program be paid to the charter
108 school as soon as the charter school begins serving food under
109 the federal lunch program, and that the charter school is paid
110 at the same time and in the same manner under the federal lunch
111 program as other public schools serviced by the sponsor or the
112 school district; test administration services, including payment
113 of the costs of state-required or district-required student
114 assessments; processing of teacher certificate data services;
115 and information services, including equal access to student
116 information systems that are used by public schools in the

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117 district in which the charter school is located. Student
118 performance data for each student in a charter school,
119 including, but not limited to, subject area assessment scores,
120 end-of-course examination FCAT scores, standardized test scores,
121 previous public school student report cards, and student
122 performance measures, shall be provided by the sponsor to a
123 charter school in the same manner provided to other public
124 schools in the district. A total administrative fee for the
125 provision of such services shall be calculated based upon up to
126 5 percent of the available funds defined in paragraph (17) (b)
127 for all students. However, a sponsor may only withhold up to a
128 5-percent administrative fee for enrollment for up to and
129 including 500 students. For charter schools with a population of
130 501 or more students, the difference between the total
131 administrative fee calculation and the amount of the
132 administrative fee withheld may only be used for capital outlay
133 purposes specified in s. 1013.62(2). Each charter school shall
134 receive 100 percent of the funds awarded to that school pursuant
135 to s. 1012.225. Sponsors shall not charge charter schools any
136 additional fees or surcharges for administrative and educational
137 services in addition to the maximum 5-percent administrative fee
138 withheld pursuant to this paragraph.

139 Section 2. Paragraph (c) of subsection (3) of section
140 1003.03, Florida Statutes, is amended to read:

141 1003.03 Maximum class size.—

142 (3) IMPLEMENTATION OPTIONS.—District school boards must
143 consider, but are not limited to, implementing the following
144 items in order to meet the constitutional class size maximums
145 described in subsection (1) and the two-student-per-year

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146 reduction required in subsection (2):

147 (c)1. Repeal district school board policies that require
148 students to have more than 24 credits to graduate from high
149 school.

150 2. Adopt policies to allow students to graduate from high
151 school as soon as they meet the requirements ~~pass the grade 10~~
152 ~~FCAT and complete the courses required~~ for high school
153 graduation.

154 Section 3. Paragraph (d) of subsection (3) and paragraph
155 (e) of subsection (4) of section 1003.413, Florida Statutes, are
156 amended to read:

157 1003.413 Florida Secondary School Redesign Act.—

158 (3) Based on these guiding principles, district school
159 boards shall establish policies to implement the requirements of
160 ss. 1003.4156, 1003.428, and 1003.493. The policies must
161 address:

162 (d) Credit recovery courses and ~~intensive~~ reading and
163 mathematics intervention services ~~courses~~ based on student
164 performance on diagnostic assessments, subject area assessments,
165 or end-of-course examinations ~~the FCAT~~. These courses and
166 intervention services should be competency based and offered
167 through innovative delivery systems, including computer-assisted
168 instruction. School districts should use learning gains as well
169 as other appropriate data and provide incentives to identify and
170 reward high-performing teachers who teach credit recovery
171 courses and provide ~~intensive~~ intervention services ~~courses~~.

172 (4) In order to support the successful implementation of
173 this section by district school boards, the Department of
174 Education shall:

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175 (e) Use data to provide the Legislature with an annual
176 longitudinal analysis of the success of this reform effort,
177 including the progress of 6th grade students and 9th grade
178 students not meeting grade-level expectations on end-of-course
179 examinations or subject area assessments in scoring at Level 1
180 ~~on FCAT~~ reading or ~~FCAT~~ mathematics.

181 Section 4. Subsection (1) of section 1003.4156, Florida
182 Statutes, is amended to read:

183 1003.4156 General requirements for middle grades
184 promotion.—

185 (1) ~~Beginning with students entering grade 6 in the 2006-~~
186 ~~2007 school year,~~ Promotion from a school composed of middle
187 grades 6, 7, and 8 requires that:

188 (a) The student must successfully complete academic courses
189 as follows:

190 1. Three middle school or higher courses in English. These
191 courses shall emphasize literature, composition, and technical
192 text.

193 2. Three middle school or higher courses in mathematics.
194 Each middle school must offer at least one high school level
195 mathematics course for which students may earn high school
196 credit.

197 3. Three middle school or higher courses in social studies,
198 one semester of which must include the study of state and
199 federal government and civics education.

200 4. Three middle school or higher courses in science.

201 5. One course in career and education planning to be
202 completed in 7th or 8th grade. The course may be taught by any
203 member of the instructional staff; must include career

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204 exploration using CHOICES for the 21st Century or a comparable
205 cost-effective program; must include educational planning using
206 the online student advising system known as Florida Academic
207 Counseling and Tracking for Students at the Internet website
208 FACTS.org; and shall result in the completion of a personalized
209 academic and career plan.

210

211 Each school must hold a parent meeting either in the evening or
212 on a weekend to inform parents about the course curriculum and
213 activities. Each student shall complete an electronic personal
214 education plan that must be signed by the student; the student's
215 instructor, guidance counselor, or academic advisor; and the
216 student's parent. By January 1, 2007, the Department of
217 Education shall develop course frameworks and professional
218 development materials for the career exploration and education
219 planning course. The course may be implemented as a stand-alone
220 course or integrated into another course or courses. The
221 Commissioner of Education shall collect longitudinal high school
222 course enrollment data by student ethnicity in order to analyze
223 course-taking patterns.

224 (b) For each year in which a student's performance on a
225 diagnostic assessment or a subject area assessment in student
226 scores at Level 1 on FCAT reading does not meet grade-level
227 expectations, the student must be enrolled in and complete an
228 intensive reading course the following year. Placement of
229 students Level 2 readers in either an intensive reading course
230 or a content area course in which reading strategies are
231 delivered shall be determined by diagnosis of reading needs. The
232 department shall provide guidance on appropriate strategies for

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233 diagnosing and meeting the varying instructional needs of
234 students reading below grade level. Reading courses shall be
235 designed and offered pursuant to the comprehensive reading plan
236 required by s. 1011.62(9).

237 (c) For each year in which a student's performance on a
238 diagnostic assessment, a subject area assessment, or an end-of-
239 course examination in ~~student scores at Level 1 or Level 2 on~~
240 ~~FCAT~~ mathematics does not meet grade-level expectations, the
241 student must receive remediation the following year, which may
242 be integrated into the student's required mathematics course.

243 Section 5. Subsections (1), (2), and (4) and paragraph (b)
244 of subsection (8) of section 1003.428, Florida Statutes, are
245 amended to read:

246 1003.428 General requirements for high school graduation;
247 revised.-

248 (1) Except as otherwise authorized pursuant to s. 1003.429,
249 beginning with students entering their first year of high school
250 in the 2007-2008 school year, graduation requires the successful
251 completion of a minimum of 24 credits, an International
252 Baccalaureate curriculum, or an Advanced International
253 Certificate of Education curriculum. Students must be advised of
254 the Advanced Placement, International Baccalaureate, Advanced
255 International Certificate of Education, career academy
256 coursework that leads to national industry certification, and
257 dual enrollment courses available, as well as the availability
258 of course offerings through the Florida Virtual School. Students
259 must also be advised of eligibility requirements for state
260 scholarship programs and postsecondary admissions.

261 (2) The 24 credits may be earned through applied,

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262 integrated, and combined courses approved by the Department of
263 Education and shall be distributed as follows:

264 (a) Sixteen core curriculum credits:

265 1. Four credits in English, with major concentration in
266 composition, reading for information, and literature.

267 2. Four credits in mathematics, one of which must be
268 Algebra I, a series of courses equivalent to Algebra I, or a
269 higher-level mathematics course. Beginning with students
270 entering grade 9 in the 2014-2015 school year, one of the four
271 credits must be Algebra I or a series of courses equivalent to
272 Algebra I as approved by the State Board of Education, one
273 credit must be geometry or a series of courses equivalent to
274 geometry as approved by the State Board of Education, and one
275 credit must be Algebra II or a series of courses equivalent to
276 Algebra II as approved by the State Board of Education. ~~School~~
277 ~~districts are encouraged to set specific goals to increase~~
278 ~~enrollments in, and successful completion of, geometry and~~
279 ~~Algebra II.~~

280 3. Three credits in science, two of which must have a
281 laboratory component. Beginning with students entering grade 9
282 in the 2014-2015 school year, one of the three credits must be
283 Biology I or a series of courses equivalent to Biology I as
284 approved by the State Board of Education, one credit must be
285 chemistry or physics or a series of courses equivalent to
286 chemistry or physics as approved by the State Board of
287 Education, and one credit must be a higher-level science course.
288 At least two of the science courses must have a laboratory
289 component.

290 4. Three credits in social studies as follows: one credit

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291 in American history; one credit in world history; one-half
292 credit in economics; and one-half credit in American government.

293 5. One credit in fine or performing arts, speech and
294 debate, or a practical arts course that incorporates artistic
295 content and techniques of creativity, interpretation, and
296 imagination. Eligible practical arts courses shall be identified
297 through the Course Code Directory.

298 6. One credit in physical education to include integration
299 of health. Participation in an interscholastic sport at the
300 junior varsity or varsity level for two full seasons shall
301 satisfy the one-credit requirement in physical education if the
302 student passes a competency test on personal fitness with a
303 score of "C" or better. The competency test on personal fitness
304 must be developed by the Department of Education. A district
305 school board may not require that the one credit in physical
306 education be taken during the 9th grade year. Completion of one
307 semester with a grade of "C" or better in a marching band class,
308 in a physical activity class that requires participation in
309 marching band activities as an extracurricular activity, or in a
310 dance class shall satisfy one-half credit in physical education
311 or one-half credit in performing arts. This credit may not be
312 used to satisfy the personal fitness requirement or the
313 requirement for adaptive physical education under an individual
314 education plan (IEP) or 504 plan. Completion of 2 years in a
315 Reserve Officer Training Corps (R.O.T.C.) class, a significant
316 component of which is drills, shall satisfy the one-credit
317 requirement in physical education and the one-credit requirement
318 in performing arts. This credit may not be used to satisfy the
319 personal fitness requirement or the requirement for adaptive

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320 physical education under an individual education plan (IEP) or
321 504 plan.

322 (b) Eight credits in majors, minors, or electives:

323 1. Four credits in a major area of interest, such as
324 sequential courses in a career and technical program, fine and
325 performing arts, or academic content area, selected by the
326 student as part of the education plan required by s. 1003.4156.
327 Students may revise major areas of interest each year as part of
328 annual course registration processes and should update their
329 education plan to reflect such revisions. Annually by October 1,
330 the district school board shall approve major areas of interest
331 and submit the list of majors to the Commissioner of Education
332 for approval. Each major area of interest shall be deemed
333 approved unless specifically rejected by the commissioner within
334 60 days. Upon approval, each district's major areas of interest
335 shall be available for use by all school districts and shall be
336 posted on the department's website.

337 2. Four credits in elective courses selected by the student
338 as part of the education plan required by s. 1003.4156. These
339 credits may be combined to allow for a second major area of
340 interest pursuant to subparagraph 1., a minor area of interest,
341 elective courses, or ~~intensive~~ reading or mathematics
342 intervention courses as described in this subparagraph.

343 a. Minor areas of interest are composed of three credits
344 selected by the student as part of the education plan required
345 by s. 1003.4156 and approved by the district school board.

346 b. Elective courses are selected by the student in order to
347 pursue a complete education program as described in s.
348 1001.41(3) and to meet eligibility requirements for

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349 scholarships.

350 c. For each year in which a student's performance on a
351 diagnostic assessment or subject area assessment in ~~student~~
352 scores at Level 1 on FCAT reading does not meet grade-level
353 expectations, the student must receive remediation and
354 intervention services as soon as feasible but no later than ~~be~~
355 enrolled in and complete an intensive reading course the
356 following year. Placement of students Level 2 readers in either
357 a ~~an intensive~~ reading course or a content area course in which
358 reading strategies are delivered shall be determined by
359 diagnosis of reading needs. The department shall provide
360 guidance on appropriate strategies for diagnosing and meeting
361 the varying instructional needs of students reading below grade
362 level. Reading courses shall be designed and offered pursuant to
363 the comprehensive reading plan required by s. 1011.62(9).

364 d. For each year in which a student's performance on a
365 diagnostic assessment, a subject area assessment, or an end-of-
366 course examination in ~~student scores at Level 1 or Level 2 on~~
367 FCAT mathematics does not meet grade-level expectations, the
368 student must receive remediation and intervention services as
369 soon as feasible but no later than the following year.

370 Intervention ~~These~~ courses may be taught through applied,
371 integrated, or combined courses and are subject to approval by
372 the department for inclusion in the Course Code Directory.

373 (4) Each district school board shall establish standards
374 for graduation from its schools, which must include:

375 (a) Successful completion of the academic credit or
376 curriculum requirements of subsections (1) and (2).

377 (b) Successful overall academic performance based on end-

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378 of-course examinations, grade point average, student portfolios,
379 and, if determined by the State Board of Education, other
380 measurable indicators of student progress. ~~Earning passing~~
381 ~~scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on~~
382 ~~a standardized test that are concordant with passing scores on~~
383 ~~the FCAT as defined in s. 1008.22(10).~~

384 (c) Completion of all other applicable requirements
385 prescribed by the district school board pursuant to s. 1008.25.

386 (d) Achievement of a cumulative grade point average of 2.0
387 on a 4.0 scale, or its equivalent, in the courses required by
388 this section.

389
390 Each district school board shall adopt policies designed to
391 assist students in meeting the requirements of this subsection.
392 These policies may include, but are not limited to: forgiveness
393 policies, summer school or before or after school attendance,
394 special counseling, volunteers or peer tutors, school-sponsored
395 help sessions, homework hotlines, and study skills classes.
396 Forgiveness policies for required courses shall be limited to
397 replacing a grade of "D" or "F," or the equivalent of a grade of
398 "D" or "F," with a grade of "C" or higher, or the equivalent of
399 a grade of "C" or higher, earned subsequently in the same or
400 comparable course. Forgiveness policies for elective courses
401 shall be limited to replacing a grade of "D" or "F," or the
402 equivalent of a grade of "D" or "F," with a grade of "C" or
403 higher, or the equivalent of a grade of "C" or higher, earned
404 subsequently in another course. The only exception to these
405 forgiveness policies shall be made for a student in the middle
406 grades who takes any high school course for high school credit

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407 and earns a grade of "C," "D," or "F" or the equivalent of a
408 grade of "C," "D," or "F." In such case, the district
409 forgiveness policy must allow the replacement of the grade with
410 a grade of "C" or higher, or the equivalent of a grade of "C" or
411 higher, earned subsequently in the same or comparable course. In
412 all cases of grade forgiveness, only the new grade shall be used
413 in the calculation of the student's grade point average. Any
414 course grade not replaced according to a district school board
415 forgiveness policy shall be included in the calculation of the
416 cumulative grade point average required for graduation.

417 (8)

418 (b) A student with a disability, as defined in s.
419 1007.02(2), for whom the individual education plan (IEP)
420 committee determines that an end-of-course examination ~~the FCAT~~
421 cannot accurately measure the student's abilities taking into
422 consideration all allowable accommodations, shall have the end-
423 of-course examination results that are used as a partial basis
424 for determining successful overall academic performance under
425 ~~FCAT requirement~~ of paragraph (4)(b) waived for the purpose of
426 receiving a standard high school diploma, if the student:

427 ~~1.~~ completes the minimum number of credits and other
428 requirements prescribed by subsections (1), (2), and (3).

429 ~~2. Does not meet the requirements of paragraph (4)(b) after~~
430 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

431 Section 6. Subsections (1) and (6), paragraph (c) of
432 subsection (7), and subsection (8) of section 1003.429, Florida
433 Statutes, are amended to read:

434 1003.429 Accelerated high school graduation options.-

435 (1) Students who enter grade 9 in the 2006-2007 school year

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436 and thereafter may select, upon receipt of each consent required
437 by this section, one of the following three high school
438 graduation options:

439 (a) Completion of the general requirements for high school
440 graduation pursuant to s. 1003.428 or s. 1003.43;

441 (b) Completion of a 3-year standard college preparatory
442 program requiring successful completion of a minimum of 18
443 academic credits in grades 9 through 12. At least 6 of the 18
444 credits required for completion of this program must be received
445 in classes that are offered pursuant to the International
446 Baccalaureate Program, the Advanced Placement Program, dual
447 enrollment, or the Advanced International Certificate of
448 Education Program, or specifically listed or identified by the
449 Department of Education as rigorous pursuant to s. 1009.531(3).
450 Students must be advised of the Advanced Placement,
451 International Baccalaureate, Advanced International Certificate
452 of Education, career academy coursework that leads to national
453 industry certification, and dual enrollment courses available,
454 as well as the availability of course offerings through the
455 Florida Virtual School. The 18 credits required for completion
456 of this program shall be primary requirements and shall be
457 distributed as follows:

458 1. Four credits in English, with major concentration in
459 composition and literature;

460 2. Three credits in mathematics at the Algebra I level or
461 higher from the list of courses that qualify for state
462 university admission;

463 3. Three credits in natural science, two of which must have
464 a laboratory component;

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465 4. Three credits in social sciences, which must include one
466 credit in American history, one credit in world history, one-
467 half credit in American government, and one-half credit in
468 economics;

469 5. Two credits in the same second language unless the
470 student is a native speaker of or can otherwise demonstrate
471 competency in a language other than English. If the student
472 demonstrates competency in another language, the student may
473 replace the language requirement with two credits in other
474 academic courses; and

475 6. Three credits in electives; or

476 (c) Completion of a 3-year career preparatory program
477 requiring successful completion of a minimum of 18 academic
478 credits in grades 9 through 12. The 18 credits shall be primary
479 requirements and shall be distributed as follows:

480 1. Four credits in English, with major concentration in
481 composition and literature;

482 2. Three credits in mathematics, one of which must be
483 Algebra I;

484 3. Three credits in natural science, two of which must have
485 a laboratory component;

486 4. Three credits in social sciences, which must include one
487 credit in American history, one credit in world history, one-
488 half credit in American government, and one-half credit in
489 economics;

490 5. Three credits in a single vocational or career education
491 program, three credits in career and technical certificate dual
492 enrollment courses, or five credits in vocational or career
493 education courses; and

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494 6. Two credits in electives unless five credits are earned
495 pursuant to subparagraph 5.

496
497 Any student who selected an accelerated graduation program
498 before July 1, 2004, may continue that program, and all
499 statutory program requirements that were applicable when the
500 student made the program choice shall remain applicable to the
501 student as long as the student continues that program.

502 (6) Students pursuing accelerated 3-year high school
503 graduation options pursuant to paragraph (1)(b) or paragraph
504 (1)(c) are required to:

505 (a) Achieve successful overall academic performance based
506 on end-of-course examinations, grade point average, student
507 portfolios, and, if determined by the State Board of Education,
508 other measurable indicators of student progress. ~~Earn passing~~
509 ~~scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a~~
510 ~~standardized test that are concordant with passing scores on the~~
511 ~~FCAT as defined in s. 1008.22(10).~~

512 (b)1. Achieve a cumulative weighted grade point average of
513 3.5 on a 4.0 scale, or its equivalent, in the courses required
514 for the college preparatory accelerated 3-year high school
515 graduation option pursuant to paragraph (1)(b); or

516 2. Achieve a cumulative weighted grade point average of 3.0
517 on a 4.0 scale, or its equivalent, in the courses required for
518 the career preparatory accelerated 3-year high school graduation
519 option pursuant to paragraph (1)(c).

520 (c) Receive a weighted or unweighted grade that earns at
521 least 3.0 points, or its equivalent, to earn course credit
522 toward the 18 credits required for the college preparatory

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523 accelerated 3-year high school graduation option pursuant to
524 paragraph (1) (b).

525 (d) Receive a weighted or unweighted grade that earns at
526 least 2.0 points, or its equivalent, to earn course credit
527 toward the 18 credits required for the career preparatory
528 accelerated 3-year high school graduation option pursuant to
529 paragraph (1) (c).

530

531 Weighted grades referred to in paragraphs (b), (c), and (d)
532 shall be applied to those courses specifically listed or
533 identified by the department as rigorous pursuant to s.
534 1009.531(3) or weighted by the district school board for class
535 ranking purposes.

536 (7) If, at the end of grade 10, a student is not on track
537 to meet the credit, assessment, or grade-point-average
538 requirements of the accelerated graduation option selected, the
539 school shall notify the student and parent of the following:

540 (c) The right of the student to change to the 4-year
541 program set forth in s. 1003.428 or s. 1003.43.

542 (8) A student who selected one of the accelerated 3-year
543 graduation options shall automatically move to the 4-year
544 program set forth in s. 1003.428 or s. 1003.43 if the student:

545 (a) Exercises his or her right to change to the 4-year
546 program;

547 (b) Fails to earn 5 credits by the end of grade 9 or fails
548 to earn 11 credits by the end of grade 10;

549 (c) Does not achieve a passing score ~~of 3 or higher~~ on an
550 end-of-course examination in language arts ~~the grade 10 FCAT~~
551 ~~writing assessment~~; or

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552 (d) By the end of grade 11 does not meet the requirements
553 of subsections (1) and (6).

554 Section 7. Subsections (1), (2), and (3) of section
555 1003.433, Florida Statutes, are amended to read:

556 1003.433 Learning opportunities for out-of-state and out-
557 of-country transfer students and students needing additional
558 instruction to meet high school graduation requirements.—

559 (1) Students who enter a Florida public school at the
560 eleventh or twelfth grade from out of state or from a foreign
561 country shall not be required to spend additional time in a
562 Florida public school in order to meet the high school course
563 requirements if the student has met all requirements of the
564 school district, state, or country from which he or she is
565 transferring. Such students who are not proficient in English
566 should receive immediate and intensive instruction in English
567 language acquisition. However, to receive a standard high school
568 diploma, a transfer student must achieve successful overall
569 academic performance based on end-of-course examinations, earn a
570 2.0 or higher grade point average, student portfolios, and, if
571 determined by the State Board of Education, other measurable
572 indicators of student progress ~~and pass the grade 10 FCAT~~
573 ~~required in s. 1008.22(3) or an alternate assessment as~~
574 ~~described in s. 1008.22(10).~~

575 (2) Students who do not meet ~~have met~~ all requirements for
576 the standard high school diploma ~~except for passage of the grade~~
577 ~~10 FCAT or an alternate assessment~~ by the end of grade 12 must
578 be provided the following learning opportunities:

579 (a) Participation in an accelerated high school equivalency
580 diploma preparation program during the summer.

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581 (b) Upon receipt of a certificate of completion, be allowed
582 to take the College Placement Test and be admitted to remedial
583 or credit courses at a state community college, as appropriate.

584 (c) Participation in an adult general education program as
585 provided in s. 1004.93 for such time as the student requires to
586 master English, reading, mathematics, or any other subject
587 required for high school graduation. Students attending adult
588 basic, adult secondary, or vocational-preparatory instruction
589 are exempt from any requirement for the payment of tuition and
590 fees, including lab fees, pursuant to s. 1009.25. ~~A student~~
591 ~~attending an adult general education program shall have the~~
592 ~~opportunity to take the grade 10 FCAT an unlimited number of~~
593 ~~times in order to receive a standard high school diploma.~~

594 (3) Students who have been enrolled in an ESOL program for
595 less than 2 school years and have not met all requirements for
596 the standard high school diploma ~~except for passage of the grade~~
597 ~~10 FCAT or alternate assessment~~ may receive immersion English
598 language instruction during the summer following their senior
599 year. Students receiving such instruction are eligible to ~~take~~
600 ~~the FCAT or alternate assessment~~ and receive a standard high
601 school diploma upon achievement of successful overall academic
602 performance pursuant to subsection (1) ~~passage of the grade 10~~
603 ~~FCAT or the alternate assessment~~. This subsection shall be
604 implemented to the extent funding is provided in the General
605 Appropriations Act.

606 Section 8. Paragraph (k) of subsection (4) of section
607 1003.493, Florida Statutes, is amended to read:

608 1003.493 Career and professional academies.—

609 (4) Each career and professional academy must:

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610 (k) Include an evaluation plan developed jointly with the
611 Department of Education and the local workforce board. The
612 evaluation plan must include an assessment tool based on
613 national industry standards, such as the Career Academy National
614 Standards of Practice, and outcome measures, including, but not
615 limited to, achievement of industry certifications, graduation
616 rates, enrollment in postsecondary education, business and
617 industry satisfaction, employment and earnings, awards of
618 postsecondary credit and scholarships, and end-of-course
619 examination ~~FCAT~~ achievement levels and learning gains. The
620 Department of Education shall use Workforce Florida, Inc., and
621 Enterprise Florida, Inc., in identifying industry experts to
622 participate in developing and implementing such assessments.

623 Section 9. Paragraph (c) of subsection (6) of section
624 1007.35, Florida Statutes, is amended to read:

625 1007.35 Florida Partnership for Minority and
626 Underrepresented Student Achievement.—

627 (6) The partnership shall:

628 (c) Provide teacher training and materials that are aligned
629 with the Next Generation Sunshine State Standards and are
630 consistent with best theory and practice regarding multiple
631 learning styles and research on learning, instructional
632 strategies, instructional design, and classroom assessment.
633 Curriculum materials must be based on current, accepted, and
634 essential academic knowledge. ~~Materials for prerequisite courses~~
635 ~~should, at a minimum, address the skills assessed on the Florida~~
636 ~~Comprehensive Assessment Test (FCAT).~~

637 Section 10. Paragraph (a) of subsection (1), paragraphs (c)
638 and (g) of subsection (3), paragraphs (b) and (c) of subsection

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639 (4), paragraph (a) of subsection (7), and subsections (9)
640 through (12) of section 1008.22, Florida Statutes, are amended
641 to read:

642 1008.22 Student assessment program for public schools.—

643 (1) PURPOSE.—The primary purposes of the student assessment
644 program are to provide information needed to improve the public
645 schools by enhancing the learning gains of all students and to
646 inform parents of the educational progress of their public
647 school children. The program must be designed to:

648 (a) Assess the annual learning gains of each student toward
649 achieving the Next Generation Sunshine State Standards
650 appropriate for the student's grade level.

651 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
652 design and implement a statewide program of educational
653 assessment that provides information for the improvement of the
654 operation and management of the public schools, including
655 schools operating for the purpose of providing educational
656 services to youth in Department of Juvenile Justice programs.
657 The commissioner may enter into contracts for the continued
658 administration of the assessment, testing, and evaluation
659 programs authorized and funded by the Legislature. Contracts may
660 be initiated in 1 fiscal year and continue into the next and may
661 be paid from the appropriations of either or both fiscal years.
662 The commissioner is authorized to negotiate for the sale or
663 lease of tests, scoring protocols, test scoring services, and
664 related materials developed pursuant to law. Pursuant to the
665 statewide assessment program, the commissioner shall:

666 (c) Develop and implement a student achievement testing
667 program consisting of subject area assessments for students in

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668 grades 3 through 5, subject area assessments and end-of-course
669 examinations for students in grades 6 through 12, and diagnostic
670 assessments for students in grades 6, 8, and 10 ~~known as the~~
671 ~~Florida Comprehensive Assessment Test (FCAT) as part of the~~
672 ~~statewide assessment program~~ to measure a student's content
673 knowledge and skills in language arts, reading, writing,
674 science, and mathematics, and other core and noncore subject
675 areas as determined by the State Board of Education. Subject
676 area assessments and end-of-course examinations ~~Other content~~
677 ~~areas may be included as directed by the commissioner.~~
678 ~~Comprehensive assessments of reading and mathematics shall be~~
679 ~~administered annually in grades 3 through 10. Comprehensive~~
680 ~~assessments of writing and science shall be administered at~~
681 ~~least once at the elementary, middle, and high school levels.~~
682 ~~End-of-course assessments for a subject may be administered in~~
683 ~~addition to the comprehensive assessments required for that~~
684 ~~subject under this paragraph. An end-of-course assessment must~~
685 ~~be rigorous, statewide, standardized, and developed or approved~~
686 ~~by the department. The content knowledge and skills assessed by~~
687 ~~comprehensive~~ subject area assessments and end-of-course
688 examinations ~~assessments~~ must be aligned to the core curricular
689 content established in the Next Generation Sunshine State
690 Standards. The commissioner may select one or more nationally
691 developed comprehensive examinations, which may include, but
692 need not be limited to, examinations for a College Board
693 Advanced Placement course, International Baccalaureate course,
694 or Advanced International Certificate of Education course or
695 industry-approved examinations to earn national industry
696 certifications as defined in s. 1003.492, for use as end-of-

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697 course examinations ~~assessments~~ under this paragraph, if the
698 commissioner determines that the content knowledge and skills
699 assessed by the examinations meet or exceed the grade level
700 expectations for the core curricular content established for the
701 course in the Next Generation Sunshine State Standards. The
702 commissioner may collaborate with the American Diploma Project
703 in the adoption or development of rigorous end-of-course
704 examinations ~~assessments~~ that are aligned to the Next Generation
705 Sunshine State Standards. The testing program must be designed
706 as follows:

707 1. The tests shall measure student skills and competencies
708 adopted by the State Board of Education as specified in
709 paragraph (a). The tests must ~~measure and~~ report student
710 proficiency levels of all students assessed ~~in reading, writing,~~
711 ~~mathematics, and science~~. The commissioner shall provide for the
712 tests to be developed or obtained, as appropriate, through
713 contracts and project agreements with private vendors, public
714 vendors, public agencies, postsecondary educational
715 institutions, or school districts. The commissioner shall obtain
716 input with respect to the design and implementation of the
717 testing program from education stakeholders and experts, state
718 educators, assistive technology experts, and the public.

719 2.a. The testing program shall be composed of criterion-
720 referenced tests that shall, to the extent determined by the
721 commissioner, include test items that require the student to
722 produce information or perform tasks in such a way that the core
723 content knowledge and skills he or she uses can be measured.

724 b. Diagnostic assessments shall be given to students in
725 grades 6, 8, and 10 in language arts, mathematics, and science

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726 content knowledge and skills and shall be used to keep students
727 on track to graduate from high school. The diagnostic
728 assessments shall be designed to identify specific academic
729 weaknesses in individual students and to provide specific
730 diagnostic information to help focus instruction most
731 effectively to meet the needs of individual students.

732 c. To ensure that students are progressing and meeting
733 international benchmarks, the testing program may include use of
734 international assessments, including the Program for
735 International Student Assessment and the Trends in International
736 Mathematics and Science Study, as diagnostic tools.

737 3. Beginning with the 2008-2009 school year, the
738 commissioner shall discontinue administration of the selected-
739 response test items on the comprehensive assessments of writing.
740 Beginning with the 2012-2013 school year, the comprehensive
741 assessments of writing shall be composed of a combination of
742 selected-response test items, short-response performance tasks,
743 and extended-response performance tasks, which shall measure a
744 student's content knowledge of writing, including, but not
745 limited to, paragraph and sentence structure, sentence
746 construction, grammar and usage, punctuation, capitalization,
747 spelling, parts of speech, verb tense, irregular verbs, subject-
748 verb agreement, and noun-pronoun agreement.

749 4. A score shall be designated for each subject area tested
750 and end-of-course examination, below which score a student's
751 performance is deemed inadequate. The school districts shall
752 provide appropriate remedial instruction and intervention
753 services to students who score below these levels.

754 5. Except as provided in s. 1003.428(8) (b) ~~or s.~~

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755 ~~1003.43(11)(b), students must achieve successful overall~~
756 ~~academic performance based partially on end-of-course~~
757 ~~examinations earn a passing score on the grade 10 assessment~~
758 ~~test described in this paragraph or attain concordant scores as~~
759 ~~described in subsection (10) in reading, writing, and~~
760 ~~mathematics to qualify for a standard high school diploma. The~~
761 ~~State Board of Education shall designate a passing score for~~
762 ~~each part of the grade 10 assessment test. In establishing~~
763 ~~passing scores, the state board shall consider any possible~~
764 ~~negative impact of the test on minority students. The State~~
765 ~~Board of Education shall adopt rules which specify the passing~~
766 ~~scores for end-of-course examinations the grade 10 FCAT. Any~~
767 ~~such rules, which have the effect of raising the required~~
768 ~~passing scores, shall apply only to students taking the grade 10~~
769 ~~FCAT for the first time after such rules are adopted by the~~
770 ~~State Board of Education.~~

771 6. Participation in the testing program is mandatory for
772 all students attending public school, including students served
773 in Department of Juvenile Justice programs, except as otherwise
774 prescribed by the commissioner. If a student does not
775 participate in the statewide assessment, the district must
776 notify the student's parent and provide the parent with
777 information regarding the implications of such nonparticipation.
778 A parent must provide signed consent for a student to receive
779 classroom instructional accommodations that would not be
780 available or permitted on the statewide assessments and must
781 acknowledge in writing that he or she understands the
782 implications of such instructional accommodations. The State
783 Board of Education shall adopt rules, based upon recommendations

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784 of the commissioner, for the provision of test accommodations
785 for students in exceptional education programs and for students
786 who have limited English proficiency. Accommodations that negate
787 the validity of a statewide assessment are not allowable in the
788 administration of subject area assessments and end-of-course
789 examinations ~~the FCAT~~. However, instructional accommodations are
790 allowable in the classroom if included in a student's individual
791 education plan. Students using instructional accommodations in
792 the classroom that are not allowable as accommodations on end-
793 of-course examinations ~~the FCAT~~ may have end-of-course
794 examination requirements ~~the FCAT requirement~~ waived pursuant to
795 the requirements of s. 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

796 7. A student seeking an adult high school diploma must meet
797 the same testing requirements that a regular high school student
798 must meet.

799 8. District school boards must provide instruction to
800 prepare students to demonstrate proficiency in the core
801 curricular content established in the Next Generation Sunshine
802 State Standards adopted under s. 1003.41, including the core
803 content knowledge and skills necessary for successful grade-to-
804 grade progression and high school graduation. If a student is
805 provided with instructional accommodations in the classroom that
806 are not allowable as accommodations in the statewide assessment
807 program, as described in the test manuals, the district must
808 inform the parent in writing and must provide the parent with
809 information regarding the impact on the student's ability to
810 meet expected proficiency levels ~~in reading, writing, and~~
811 ~~mathematics~~. The commissioner shall conduct studies as necessary
812 to verify that the required core curricular content is part of

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813 the district instructional programs.

814 9. District school boards must provide opportunities for
815 students to demonstrate an acceptable level of performance on an
816 alternative standardized subject area assessment or end-of-
817 course examination approved by the State Board of Education
818 following enrollment in summer academies.

819 10. The Department of Education must develop, or select,
820 and implement a common battery of assessment tools that will be
821 used in all juvenile justice programs in the state. These tools
822 must accurately measure the core curricular content established
823 in the Next Generation Sunshine State Standards.

824 11. For students seeking a special diploma pursuant to s.
825 1003.438, the Department of Education must develop or select and
826 implement an alternate assessment tool that accurately measures
827 the core curricular content established in the Next Generation
828 Sunshine State Standards for students with disabilities under s.
829 1003.438.

830 12. The Commissioner of Education shall establish schedules
831 for the administration of statewide assessments and the
832 reporting of student test results. The commissioner shall, by
833 August 1 of each year, notify each school district in writing
834 and publish on the department's Internet website the testing and
835 reporting schedules for, at a minimum, the school year following
836 the upcoming school year. The testing and reporting schedules
837 shall require that:

838 a. There is the latest possible administration of statewide
839 subject area assessments and the earliest possible reporting to
840 the school districts of student test results which is feasible
841 within available technology and specific appropriations;

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842 however, test results must be made available no later than the
843 final day of the regular school year for students.

844 b. Beginning with the 2010-2011 school year, a
845 comprehensive statewide assessment of writing is not
846 administered earlier than the week of March 1 and a
847 comprehensive statewide assessment of any other subject is not
848 administered earlier than the week of April 15.

849 c. A statewide standardized end-of-course examination
850 ~~assessment~~ is administered within the last 2 weeks of the course
851 and test results are reported as soon as possible but no later
852 than the final day of the semester or regular school year, as
853 applicable.

854
855 The commissioner may, based on collaboration and input from
856 school districts, design and implement student testing programs,
857 for any grade level and subject area, necessary to effectively
858 monitor educational achievement in the state, including the
859 measurement of educational achievement of the Next Generation
860 Sunshine State Standards for students with disabilities.

861 Development and refinement of assessments shall include
862 universal design principles and accessibility standards that
863 will prevent any unintended obstacles for students with
864 disabilities while ensuring the validity and reliability of the
865 test. These principles should be applicable to all technology
866 platforms and assistive devices available for the assessments.
867 The field testing process and psychometric analyses for the
868 statewide assessment program must include an appropriate
869 percentage of students with disabilities and an evaluation or
870 determination of the effect of test items on such students.

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871 (g) Conduct ongoing analysis of the ~~Study the cost and~~
872 student achievement impact of ~~secondary~~ end-of-course
873 examinations assessments, including web-based and performance
874 formats, and report such information to the Legislature ~~prior to~~
875 ~~implementation~~.

876 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED
877 ACTIVITIES.—Beginning with the 2008-2009 school year, a district
878 school board shall prohibit each public school from suspending a
879 regular program of curricula for purposes of administering
880 practice tests or engaging in other test-preparation activities
881 for a statewide assessment. However, a district school board may
882 authorize a public school to engage in the following test-
883 preparation activities for a statewide assessment:

884 (b) Providing individualized instruction in test-taking
885 strategies, without suspending the school's regular program of
886 curricula, for a student who is identified through performance
887 on a subject area assessment or an end-of-course examination as
888 having a deficiency in test-taking skills ~~scores at Level 1 or~~
889 ~~Level 2 on a prior administration of the statewide assessment.~~

890 (c) Providing individualized instruction in the content
891 knowledge and skills assessed, without suspending the school's
892 regular program of curricula, for a ~~student who scores at Level~~
893 ~~1 or Level 2 on a prior administration of the statewide~~
894 ~~assessment or~~ a student who, through a subject area assessment,
895 an end-of-course examination, or a diagnostic assessment
896 administered by the school district, is identified as having a
897 deficiency in the content knowledge and skills assessed.

898 (7) REQUIRED ANALYSES.—The commissioner shall provide, at a
899 minimum, for the following analyses of data produced by the

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900 student achievement testing program:

901 (a) The statistical system for the annual assessments shall
902 use measures of student learning, such as subject area
903 assessments and end-of-course examinations ~~the FCAT~~, to
904 determine teacher, school, and school district statistical
905 distributions, which shall be determined using available data
906 from the assessments and examinations ~~the FCAT~~, and other data
907 collection as deemed appropriate by the Department of Education,
908 to measure the differences in student prior year achievement
909 compared to the current year achievement for the purposes of
910 accountability and recognition.

911 (9) APPLICABILITY OF TESTING STANDARDS.—

912 ~~(a)~~ If the Commissioner of Education revises a statewide
913 assessment and the revisions require the State Board of
914 Education to modify the assessment's proficiency levels ~~or~~
915 ~~modify the passing scores required for a standard high school~~
916 ~~diploma~~, until the state board adopts the modifications by rule,
917 the commissioner shall use calculations for scoring the
918 assessment which adjust student scores on the revised assessment
919 for statistical equivalence to student scores on the former
920 assessment.

921 ~~(b)~~ A student must attain the passing scores on the
922 statewide assessment required for a standard high school diploma
923 which are in effect at the time the student enters grade 9 if
924 the student's enrollment is continuous.

925 ~~(c)~~ If the commissioner revises a statewide assessment and
926 the revisions require the State Board of Education to modify the
927 passing scores required for a standard high school diploma, the
928 commissioner may, with approval of the state board, discontinue

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929 ~~administration of the former assessment upon the graduation,~~
930 ~~based on normal student progression, of students participating~~
931 ~~in the final regular administration of the former assessment.~~
932 ~~The state board shall adopt by rule passing scores for the~~
933 ~~revised assessment which are statistically equivalent to passing~~
934 ~~scores on the discontinued assessment for a student required~~
935 ~~under paragraph (b) to attain passing scores on the discontinued~~
936 ~~assessment.~~

937 ~~(10) CONCORDANT SCORES FOR THE FCAT.~~

938 ~~(a) The State Board of Education shall analyze the content~~
939 ~~and concordant data sets for widely used high school achievement~~
940 ~~tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,~~
941 ~~and College Placement Test, to assess if concordant scores for~~
942 ~~FCAT scores can be determined for high school graduation,~~
943 ~~college placement, and scholarship awards. In cases where~~
944 ~~content alignment and concordant scores can be determined, the~~
945 ~~Commissioner of Education shall adopt those scores as meeting~~
946 ~~the graduation requirement in lieu of achieving the FCAT passing~~
947 ~~score and may adopt those scores as being sufficient to achieve~~
948 ~~additional purposes as determined by rule. Each time that test~~
949 ~~content or scoring procedures change for the FCAT or for a high~~
950 ~~school achievement test for which a concordant score is~~
951 ~~determined, new concordant scores must be determined.~~

952 ~~(b) In order to use a concordant subject area score~~
953 ~~pursuant to this subsection to satisfy the assessment~~
954 ~~requirement for a standard high school diploma as provided in s.~~
955 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
956 ~~take each subject area of the grade 10 FCAT a total of three~~
957 ~~times without earning a passing score. The requirements of this~~

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958 ~~paragraph shall not apply to a new student who enters the~~
959 ~~Florida public school system in grade 12, who may either achieve~~
960 ~~a passing score on the FCAT or use an approved subject area~~
961 ~~concordant score to fulfill the graduation requirement.~~

962 ~~(c) The State Board of Education may define by rule the~~
963 ~~allowable uses, other than to satisfy the high school graduation~~
964 ~~requirement, for concordant scores as described in this~~
965 ~~subsection. Such uses may include, but need not be limited to,~~
966 ~~achieving appropriate standardized test scores required for the~~
967 ~~awarding of Florida Bright Futures Scholarships and college~~
968 ~~placement.~~

969 (10)~~(11)~~ REPORTS.—The Department of Education shall
970 annually provide a report to the Governor, the President of the
971 Senate, and the Speaker of the House of Representatives on the
972 following:

973 (a) Longitudinal performance of students in mathematics and
974 reading.

975 (b) Longitudinal performance of students by grade level in
976 mathematics and reading.

977 (c) Longitudinal performance regarding efforts to close the
978 achievement gap.

979 (d) Other student performance data based on national norm-
980 referenced and criterion-referenced tests, when available, and
981 numbers of students who after 8th grade enroll in adult
982 education rather than other secondary education.

983 (11)~~(12)~~ RULES.—The State Board of Education shall adopt
984 rules pursuant to ss. 120.536(1) and 120.54 to implement the
985 provisions of this section.

986 Section 11. Subsection (1), paragraph (b) of subsection

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987 (2), subsections (3) and (4), paragraphs (b) and (c) of
988 subsection (5), paragraphs (b) and (c) of subsection (6),
989 paragraph (b) of subsection (7), and paragraphs (a) and (b) of
990 subsection (8) of section 1008.25, Florida Statutes, are amended
991 to read:

992 1008.25 Public school student progression; remedial
993 instruction; reporting requirements.—

994 (1) INTENT.—It is the intent of the Legislature that each
995 student's progression from one grade to another be determined,
996 in part, upon proficiency in language arts ~~reading, writing,~~
997 science, and mathematics; that district school board policies
998 facilitate such proficiency; and that each student and his or
999 her parent be informed of that student's academic progress.

1000 (2) COMPREHENSIVE PROGRAM.—Each district school board shall
1001 establish a comprehensive program for student progression which
1002 must include:

1003 (b) Specific levels of performance in language arts
1004 ~~reading, writing,~~ science, and mathematics for each grade level,
1005 including the levels of performance on statewide assessments as
1006 defined by the commissioner, below which a student must receive
1007 remediation or intervention services, or be retained within an
1008 intensive program that is different from the previous year's
1009 program and that takes into account the student's learning
1010 style.

1011 (3) ALLOCATION OF RESOURCES.—District school boards shall
1012 allocate remedial and supplemental instruction and intervention
1013 resources to students in the following priority:

1014 (a) Students who are deficient in reading by the end of
1015 grade 3.

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1016 (b) Students who fail to meet performance levels required
1017 for promotion consistent with the district school board's plan
1018 for student progression required in paragraph (2) (b).

1019 (4) ASSESSMENT AND REMEDIATION.—

1020 (a) Each student must participate in the statewide
1021 assessment program tests required by s. 1008.22. Each student
1022 who does not meet specific levels of performance as determined
1023 by the district school board in language arts ~~reading, writing,~~
1024 science, and mathematics for each grade level, ~~or who scores~~
1025 ~~below Level 3 in reading or math,~~ must be provided with
1026 additional diagnostic assessments to determine the nature of the
1027 student's difficulty, the areas of academic need, and strategies
1028 for appropriate intervention and instruction as described in
1029 paragraph (b).

1030 (b) The school in which the student is enrolled must
1031 develop, in consultation with the student's parent, and must
1032 implement a progress monitoring plan. A progress monitoring plan
1033 is intended to provide the school district and the school
1034 flexibility in meeting the academic needs of the student and to
1035 reduce paperwork. A student who is not meeting the school
1036 district or state requirements for proficiency in reading and
1037 math shall be covered by one of the following plans to target
1038 instruction and identify ways to improve his or her academic
1039 achievement:

1040 1. A federally required student plan such as an individual
1041 education plan;

1042 2. A schoolwide system of progress monitoring for all
1043 students; or

1044 3. An individualized progress monitoring plan.

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1045
1046 The plan chosen must be designed to assist the student or the
1047 school in meeting state and district expectations for
1048 proficiency. If the student has been identified as having a
1049 deficiency in reading, the K-12 comprehensive reading plan
1050 required by s. 1011.62(9) shall include instructional and
1051 support services to be provided to meet the desired levels of
1052 performance. District school boards may require low-performing
1053 students to attend remediation or intervention programs held
1054 before or after regular school hours or during the summer if
1055 transportation is provided.

1056 (c) Upon subsequent evaluation, if the documented
1057 deficiency has not been remediated, the student may be retained.
1058 Each student who does not meet the minimum performance
1059 expectations defined by the Commissioner of Education for the
1060 statewide assessment tests in language arts ~~reading, writing,~~
1061 science, and mathematics must continue to be provided with
1062 remedial or supplemental instruction or intervention services
1063 until the expectations are met or the student graduates from
1064 high school or is not subject to compulsory school attendance.

1065 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

1066 (b) ~~Beginning with the 2002-2003 school year,~~ If the
1067 student's reading deficiency, as identified in paragraph (a), is
1068 not remedied by the end of grade 3, as demonstrated ~~by scoring~~
1069 ~~at Level 2 or higher~~ on the statewide subject area assessment
1070 ~~test~~ in reading for grade 3, the student may ~~must~~ be retained at
1071 the discretion of the principal after consultation with the
1072 student's teacher and parent.

1073 (c) The parent of any student who exhibits a substantial

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1074 deficiency in reading, as described in paragraph (a), must be
1075 notified in writing of the following:

1076 1. That his or her child has been identified as having a
1077 substantial deficiency in reading.

1078 2. A description of the current services that are provided
1079 to the child.

1080 3. A description of the proposed supplemental instructional
1081 services and supports that will be provided to the child that
1082 are designed to remediate the identified area of reading
1083 deficiency.

1084 4. That if the child's reading deficiency is not remediated
1085 by the end of grade 3, the child may ~~must~~ be retained ~~unless he~~
1086 ~~or she is exempt from mandatory retention for good cause.~~

1087 5. Strategies for parents to use in helping their child
1088 succeed in reading proficiency.

1089 6. That the statewide subject area assessment ~~Florida~~
1090 ~~Comprehensive Assessment Test (FCAT)~~ is not the sole determiner
1091 of promotion and that additional evaluations, portfolio reviews,
1092 and assessments are available to the child to assist parents and
1093 the school district in knowing when a child is reading at or
1094 above grade level and ready for grade promotion.

1095 7. The district's specific criteria and policies for
1096 midyear promotion. Midyear promotion means promotion of a
1097 retained student at any time during the year of retention once
1098 the student has demonstrated ability to read at grade level.

1099 (6) ELIMINATION OF SOCIAL PROMOTION.—

1100 (b) The district school board may promote students ~~only~~
1101 ~~exempt students from mandatory retention~~, as provided in
1102 paragraph (5) (b), for good cause. Students promoted for good

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1103 cause may include, but are not limited to, ~~exemptions shall be~~
1104 ~~limited to~~ the following:

1105 1. Limited English proficient students who have had less
1106 than 2 years of instruction in an English for Speakers of Other
1107 Languages program.

1108 2. Students with disabilities whose individual education
1109 plan indicates that participation in the statewide assessment
1110 program is not appropriate, consistent with the requirements of
1111 State Board of Education rule.

1112 3. Students who demonstrate an acceptable level of
1113 performance on an alternative standardized reading assessment
1114 approved by the State Board of Education.

1115 4. Students who demonstrate, through a student portfolio,
1116 that the student is reading on grade level as evidenced by
1117 demonstration of mastery of the Next Generation Sunshine State
1118 Standards in reading ~~equal to at least a Level 2 performance on~~
1119 ~~the FCAT.~~

1120 5. Students with disabilities ~~who participate in the FCAT~~
1121 ~~and~~ who have an individual education plan or a Section 504 plan
1122 that reflects that the student has received intensive
1123 remediation or intervention services in reading for more than 2
1124 years but still demonstrates a deficiency in reading and was
1125 previously retained in kindergarten, grade 1, grade 2, or grade
1126 3.

1127 6. Students who have received intensive remediation or
1128 intervention services in reading for 2 or more years but still
1129 demonstrate a deficiency in reading and who were previously
1130 retained in kindergarten, grade 1, grade 2, or grade 3 for a
1131 total of 2 years. Intensive reading instruction or intervention

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1132 services for students so promoted must include an altered
1133 instructional day that includes specialized diagnostic
1134 information and specific reading strategies for each student.
1135 The district school board shall assist schools and teachers to
1136 implement reading strategies that research has shown to be
1137 successful in improving reading among low-performing readers.

1138 (c) Promotions for good cause ~~Requests for good cause~~
1139 ~~exemptions for students from the mandatory retention requirement~~
1140 as described in subparagraphs (b)3. and 4. shall be made
1141 consistent with the following:

1142 1. Documentation shall be submitted from the student's
1143 teacher to the school principal that indicates that the
1144 promotion of the student is appropriate and is based upon the
1145 student's academic record. In order to minimize paperwork
1146 requirements, such documentation shall consist only of the
1147 existing progress monitoring plan, individual educational plan,
1148 if applicable, report card, or student portfolio.

1149 2. The school principal shall review and discuss such
1150 recommendation with the teacher and make the determination as to
1151 whether the student should be promoted or retained. If the
1152 school principal determines that the student should be promoted,
1153 the school principal shall make such recommendation in writing
1154 to the district school superintendent. The district school
1155 superintendent shall accept or reject the school principal's
1156 recommendation in writing.

1157 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

1158 (b) ~~Beginning with the 2004-2005 school year,~~ Each school
1159 district shall:

1160 1. Conduct a review of student progress monitoring plans

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1161 ~~for all students who did not score above Level 1 on the reading~~
1162 ~~portion of the FCAT and did not meet the criteria for one of the~~
1163 ~~good cause exemptions in paragraph (6) (b).~~ The review shall
1164 address additional supports and services, as described in this
1165 subsection, needed to remediate the identified areas of reading
1166 deficiency. The school district shall require a student
1167 portfolio to be completed for each such student.

1168 2. Provide students who are retained under the provisions
1169 of paragraph (5) (b) with intensive instructional services and
1170 supports to remediate the identified areas of reading
1171 deficiency, including a minimum of 90 minutes of daily,
1172 uninterrupted, scientifically research-based reading instruction
1173 and other strategies prescribed by the school district, which
1174 may include, but are not limited to:

- 1175 a. Small group instruction.
- 1176 b. Reduced teacher-student ratios.
- 1177 c. More frequent progress monitoring.
- 1178 d. Tutoring or mentoring.
- 1179 e. Transition classes containing 3rd and 4th grade
1180 students.
- 1181 f. Extended school day, week, or year.
- 1182 g. Summer reading camps.

1183 3. Provide written notification to the parent of any
1184 student who is retained under the provisions of paragraph (5) (b)
1185 that his or her child has not met the proficiency level required
1186 for promotion and the reasons the child is not eligible for a
1187 good cause promotion exemption ~~exemption~~ as provided in paragraph (6) (b).
1188 The notification must comply with the provisions of s.
1189 1002.20(15) and must include a description of proposed

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1190 interventions and supports that will be provided to the child to
1191 remediate the identified areas of reading deficiency.

1192 4. Implement a policy for the midyear promotion of any
1193 student retained under the provisions of paragraph (5) (b) who
1194 can demonstrate that he or she is a successful and independent
1195 reader, reading at or above grade level, and ready to be
1196 promoted to grade 4. Tools that school districts may use in
1197 reevaluating any student retained may include subsequent
1198 assessments, alternative assessments, and portfolio reviews, in
1199 accordance with rules of the State Board of Education. Students
1200 promoted during the school year after November 1 must
1201 demonstrate proficiency ~~above that required to score at Level 2~~
1202 ~~on the grade 3 FCAT~~, as determined by the State Board of
1203 Education. The State Board of Education shall adopt standards
1204 that provide a reasonable expectation that the student's
1205 progress is sufficient to master appropriate 4th grade level
1206 reading skills.

1207 5. Provide students who are retained under the provisions
1208 of paragraph (5) (b) with a high-performing teacher as determined
1209 by student performance data and above-satisfactory performance
1210 appraisals.

1211 6. In addition to required reading enhancement and
1212 acceleration strategies, provide parents of students to be
1213 retained with at least one of the following instructional
1214 options:

1215 a. Supplemental tutoring in scientifically research-based
1216 reading services in addition to the regular reading block,
1217 including tutoring before or ~~and/or~~ after school.

1218 b. A "Read at Home" plan outlined in a parental contract,

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1219 including participation in "Families Building Better Readers
1220 Workshops" and regular parent-guided home reading.

1221 c. A mentor or tutor with specialized reading training.

1222 7. Establish a Reading Enhancement and Acceleration
1223 Development (READ) Initiative. The focus of the READ Initiative
1224 shall be to prevent the retention of grade 3 students and to
1225 offer intensive accelerated reading instruction to grade 3
1226 students who failed to meet standards for promotion to grade 4
1227 and to each K-3 student who is assessed as exhibiting a reading
1228 deficiency. The READ Initiative shall:

1229 a. Be provided to all K-3 students at risk of retention as
1230 identified by the statewide assessment system used in Reading
1231 First schools. The assessment must measure phonemic awareness,
1232 phonics, fluency, vocabulary, and comprehension.

1233 b. Be provided during regular school hours in addition to
1234 the regular reading instruction.

1235 c. Provide a state-identified reading curriculum that has
1236 been reviewed by the Florida Center for Reading Research at
1237 Florida State University and meets, at a minimum, the following
1238 specifications:

1239 (I) Assists students assessed as exhibiting a reading
1240 deficiency in developing the ability to read at grade level.

1241 (II) Provides skill development in phonemic awareness,
1242 phonics, fluency, vocabulary, and comprehension.

1243 (III) Provides scientifically based and reliable
1244 assessment.

1245 (IV) Provides initial and ongoing analysis of each
1246 student's reading progress.

1247 (V) Is implemented during regular school hours.

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1248 (VI) Provides a curriculum in core academic subjects to
1249 assist the student in maintaining or meeting proficiency levels
1250 for the appropriate grade in all academic subjects.

1251 8. Establish at each school, where applicable, an Intensive
1252 Acceleration Class for retained grade 3 students ~~who~~
1253 ~~subsequently score at Level 1 on the reading portion of the~~
1254 ~~FCAT~~. The focus of the Intensive Acceleration Class shall be to
1255 increase a child's reading level at least two grade levels in 1
1256 school year. The Intensive Acceleration Class shall:

1257 a. Be provided to any student in grade 3 who does not meet
1258 the proficiency level in reading required for promotion scores
1259 ~~at Level 1 on the reading portion of the FCAT~~ and who was
1260 retained in grade 3 the prior year because of inadequate
1261 proficiency in reading scoring at Level 1 on the reading portion
1262 ~~of the FCAT~~.

1263 b. Have a reduced teacher-student ratio.

1264 c. Provide uninterrupted reading instruction for the
1265 majority of student contact time each day and incorporate
1266 opportunities to master the grade 4 Next Generation Sunshine
1267 State Standards in other core subject areas.

1268 d. Use a reading program that is scientifically research-
1269 based and has proven results in accelerating student reading
1270 achievement within the same school year.

1271 e. Provide intensive language and vocabulary instruction
1272 using a scientifically research-based program, including use of
1273 a speech-language therapist.

1274 f. Include weekly progress monitoring measures to ensure
1275 progress is being made.

1276 g. Report to the Department of Education, in the manner

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1277 described by the department, the progress of students in the
1278 class at the end of the first semester.

1279 9. Report to the State Board of Education, as requested, on
1280 the specific intensive reading interventions and supports
1281 implemented at the school district level. The Commissioner of
1282 Education shall annually prescribe the required components of
1283 requested reports.

1284 10. Provide a student who has been retained in grade 3 and
1285 has received intensive instructional services but is still not
1286 ready for grade promotion, as determined by the school district,
1287 the option of being placed in a transitional instructional
1288 setting. Such setting shall specifically be designed to produce
1289 learning gains sufficient to meet grade 4 performance standards
1290 while continuing to remediate the areas of reading deficiency.

1291 (8) ANNUAL REPORT.—

1292 (a) In addition to the requirements in paragraph (5) (b),
1293 each district school board must annually report to the parent of
1294 each student the progress of the student toward achieving state
1295 and district expectations for proficiency in language arts
1296 ~~reading, writing~~, science, and mathematics. The district school
1297 board must report to the parent the student's results on each
1298 statewide assessment test. The evaluation of each student's
1299 progress must be based upon the student's classroom work,
1300 observations, tests, district and state assessments, and other
1301 relevant information. Progress reporting must be provided to the
1302 parent in writing in a format adopted by the district school
1303 board.

1304 (b) Each district school board must annually publish in the
1305 local newspaper, and report in writing to the State Board of

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1306 Education by September 1 of each year, the following information
1307 on the prior school year:

1308 1. The provisions of this section relating to public school
1309 student progression and the district school board's policies and
1310 procedures on student retention and promotion.

1311 2. By grade, the number and percentage of all students in
1312 grades 3 through 12 ~~10~~ performing below proficiency levels for
1313 the grade on statewide subject area assessments and end-of-
1314 course examinations in language arts, mathematics, and science
1315 at Levels 1 and 2 on the reading portion of the FCAT.

1316 3. By grade, the number and percentage of all students
1317 retained in grades 3 through 12 ~~10~~.

1318 4. Information on the total number of students who were
1319 promoted for good cause, by each category of good cause as
1320 specified in paragraph (6) (b).

1321 5. Any revisions to the district school board's policy on
1322 student retention and promotion from the prior year.

1323 Section 12. Subsection (3) of section 1008.30, Florida
1324 Statutes, is amended to read:

1325 1008.30 Common placement testing for public postsecondary
1326 education.—

1327 (3) The State Board of Education shall adopt rules that
1328 require high schools to evaluate before the beginning of grade
1329 12 the college readiness of each student who indicates an
1330 interest in postsecondary education ~~and scores at Level 2 or~~
1331 ~~Level 3 on the reading portion of the grade 10 FCAT or Level 2,~~
1332 ~~Level 3, or Level 4 on the mathematics portion of the grade 10~~
1333 ~~FCAT.~~ High schools shall perform this evaluation using results
1334 from the corresponding component of the common placement test

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1335 prescribed in this section, or an equivalent test identified by
1336 the State Board of Education. The Department of Education shall
1337 purchase or develop the assessments necessary to perform the
1338 evaluations required by this subsection and shall work with the
1339 school districts to administer the assessments. The State Board
1340 of Education shall establish by rule the minimum test scores a
1341 student must achieve to demonstrate readiness. Students who
1342 demonstrate readiness by achieving the minimum test scores
1343 established by the state board and enroll in a community college
1344 within 2 years of achieving such scores shall not be required to
1345 enroll in remediation courses as a condition of acceptance to
1346 any community college. The high school shall use the results of
1347 the test to advise the students of any identified deficiencies
1348 and to the maximum extent practicable provide 12th grade
1349 students access to appropriate remedial instruction prior to
1350 high school graduation. The remedial instruction provided under
1351 this subsection shall be a collaborative effort between
1352 secondary and postsecondary educational institutions. To the
1353 extent courses are available, the Florida Virtual School may be
1354 used to provide the remedial instruction required by this
1355 subsection.

1356 Section 13. Paragraphs (b) and (c) of subsection (3) and
1357 subsection (4) of section 1008.34, Florida Statutes, are amended
1358 to read:

1359 1008.34 School grading system; school report cards;
1360 district grade.—

1361 (3) DESIGNATION OF SCHOOL GRADES.—

1362 (b)1. Beginning with the 2014-2015 school year for schools
1363 comprised of any combination of grades 3 through 8, 25 percent

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1364 of the school grade shall be based on subject area assessment
1365 scores or end-of-course examination scores in core and noncore
1366 subjects administered under s. 1008.22, as applicable, and the
1367 remaining 75 percent on the following factors:

1368 a. Student achievement scores, including achievement scores
1369 for students seeking a special diploma;

1370 b. Student learning gains as measured by annual subject
1371 area assessments in grades 3 through 5 or end-of-course
1372 examinations in grades 6 through 8 and learning gains for
1373 students seeking a special diploma as measured by alternate
1374 assessment tools, if necessary;

1375 c. Improvement of the lowest 25th percentile of students in
1376 the school on subject area assessments in grades 3 through 5 or
1377 end-of-course examinations in grades 6 through 8, unless these
1378 students are exhibiting satisfactory performance;

1379 d. The overall academic performance of the students in the
1380 school based on grade point average, student portfolios,
1381 readiness for grade promotion, and, if determined by the State
1382 Board of Education, other measurable indicators of student
1383 progress;

1384 e. The growth or decline in the components listed in sub-
1385 subparagraphs a.-d. from year to year; and

1386 f. The school's use of technology and innovative practices.

1387 ~~A school's grade shall be based on a combination of:~~

1388 ~~a. Student achievement scores, including achievement scores~~
1389 ~~for students seeking a special diploma.~~

1390 ~~b. Student learning gains as measured by annual FCAT~~
1391 ~~assessments in grades 3 through 10; learning gains for students~~
1392 ~~seeking a special diploma, as measured by an alternate~~

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1393 ~~assessment tool, shall be included not later than the 2009-2010~~
1394 ~~school year.~~

1395 ~~e. Improvement of the lowest 25th percentile of students in~~
1396 ~~the school in reading, mathematics, or writing on the FCAT,~~
1397 ~~unless these students are exhibiting satisfactory performance.~~

1398 2. Beginning with the 2014-2015 ~~2009-2010~~ school year for
1399 schools comprised of high school grades 9, 10, 11, and 12, or
1400 grades 10, 11, and 12:

1401 a. Fifty, 50 percent of the school grade shall be based on
1402 a combination of the following factors:

1403 (I) Student achievement scores, including achievement
1404 scores for students seeking a special diploma;

1405 (II) Student learning gains as measured by end-of-course
1406 examinations and learning gains for students seeking a special
1407 diploma as measured by alternate assessment tools, if necessary;
1408 and

1409 (III) Improvement of the lowest 25th percentile of students
1410 in the school on end-of-course examinations, unless these
1411 students are exhibiting satisfactory performance. ~~listed in sub-~~
1412 ~~subparagraphs 1.a.-c. and~~

1413 b. The remaining 50 percent of the school grade shall be
1414 based on the following factors:

1415 (I) a. The high school graduation rate of the school;

1416 (II) b. As valid data becomes available, the performance and
1417 participation of the school's students in College Board Advanced
1418 Placement courses, International Baccalaureate courses, dual
1419 enrollment courses, and Advanced International Certificate of
1420 Education courses; and the students' achievement of industry
1421 certification, as determined by the Agency for Workforce

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1422 Innovation under s. 1003.492(2) in a career and professional
1423 academy, as described in s. 1003.493;

1424 (III)~~e.~~ Postsecondary readiness of the school's students as
1425 measured by the SAT, ACT, or the common placement test;

1426 (IV)~~d.~~ The high school graduation rate of at-risk students
1427 who did not meet proficiency levels ~~scored at Level 2 or lower~~
1428 on the grade 8 end-of-course FCAT Reading and Mathematics
1429 examinations in language arts, mathematics, and science;

1430 (V)~~e.~~ ~~As valid data becomes available,~~ The performance of
1431 the school's students on statewide standardized end-of-course
1432 examinations ~~assessments~~ administered under s. 1008.22; and

1433 (VI)~~f.~~ The growth or decline in the components listed in
1434 sub-sub-subparagraphs (I)-(VI) ~~sub-subparagraphs a.-e.~~ from year
1435 to year.

1436 (c) Student assessment data used in determining school
1437 grades shall include:

1438 1. The aggregate scores of all eligible students enrolled
1439 in the school who have been assessed on subject area assessments
1440 or end-of-course examinations ~~the FCAT~~.

1441 2. The aggregate scores of all eligible students enrolled
1442 in the school who have been assessed on subject area assessments
1443 or end-of-course examinations ~~the FCAT~~ and who have scored at or
1444 in the lowest 25th percentile of students in the school ~~in~~
1445 ~~reading, mathematics, or writing~~, unless these students are
1446 exhibiting satisfactory performance.

1447 3. ~~Effective with the 2005-2006 school year,~~ The subject
1448 area assessment achievement ~~scores,~~ end-of-course examination
1449 scores, and learning gains of eligible students attending
1450 alternative schools that provide dropout prevention and academic

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1451 intervention services pursuant to s. 1003.53. The term "eligible
1452 students" in this subparagraph does not include students
1453 attending an alternative school who are subject to district
1454 school board policies for expulsion for repeated or serious
1455 offenses, who are in dropout retrieval programs serving students
1456 who have officially been designated as dropouts, or who are in
1457 programs operated or contracted by the Department of Juvenile
1458 Justice. The student performance data for eligible students
1459 identified in this subparagraph shall be included in the
1460 calculation of the home school's grade. As used in this section
1461 and s. 1008.341, the term "home school" means the school to
1462 which the student would be assigned if the student were not
1463 assigned to an alternative school. If an alternative school
1464 chooses to be graded under this section, student performance
1465 data for eligible students identified in this subparagraph shall
1466 not be included in the home school's grade but shall be included
1467 only in the calculation of the alternative school's grade. A
1468 ~~school district that fails to assign the FCAT scores of each of~~
1469 ~~its students to his or her home school or to the alternative~~
1470 ~~school that receives a grade shall forfeit Florida School~~
1471 ~~Recognition Program funds for 1 fiscal year.~~ School districts
1472 must require collaboration between the home school and the
1473 alternative school in order to promote student success. This
1474 collaboration must include an annual discussion between the
1475 principal of the alternative school and the principal of each
1476 student's home school concerning the most appropriate school
1477 assignment of the student.

1478 4. Beginning with the 2014-2015 ~~2009-2010~~ school year for
1479 schools comprised of high school grades 9, 10, 11, and 12, or

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1480 grades 10, 11, and 12, the data listed in subparagraphs 1.-3.
1481 and the following data as the Department of Education determines
1482 such data are valid and available:

1483 a. The high school graduation rate of the school as
1484 calculated by the Department of Education;

1485 b. The participation rate of all eligible students enrolled
1486 in the school and enrolled in College Board Advanced Placement
1487 courses; International Baccalaureate courses; dual enrollment
1488 courses; Advanced International Certificate of Education
1489 courses; and courses or sequence of courses leading to industry
1490 certification, as determined by the Agency for Workforce
1491 Innovation under s. 1003.492(2) in a career and professional
1492 academy, as described in s. 1003.493;

1493 c. The aggregate scores of all eligible students enrolled
1494 in the school in College Board Advanced Placement courses,
1495 International Baccalaureate courses, and Advanced International
1496 Certificate of Education courses;

1497 d. Earning of college credit by all eligible students
1498 enrolled in the school in dual enrollment programs under s.
1499 1007.271;

1500 e. Earning of an industry certification, as determined by
1501 the Agency for Workforce Innovation under s. 1003.492(2) in a
1502 career and professional academy, as described in s. 1003.493;

1503 f. The aggregate scores of all eligible students enrolled
1504 in the school in reading, mathematics, and other subjects as
1505 measured by the SAT, the ACT, and the common placement test for
1506 postsecondary readiness;

1507 g. The high school graduation rate of all eligible at-risk
1508 students enrolled in the school who did not meet proficiency

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1509 ~~levels scored at Level 2 or lower on the grade 8 end-of-course~~
1510 ~~examinations in language arts, mathematics, and science FCAT~~
1511 ~~Reading and Mathematics examinations;~~

1512 h. The performance of the school's students on statewide
1513 standardized end-of-course examinations ~~assessments~~ administered
1514 under s. 1008.22; and

1515 i. The growth or decline in the data components listed in
1516 sub-subparagraphs a.-h. from year to year.

1517
1518 The State Board of Education shall adopt appropriate criteria
1519 for each school grade. The criteria must also give added weight
1520 to student achievement in language arts ~~reading~~. Schools
1521 designated with a grade of "C," making satisfactory progress,
1522 shall be required to demonstrate that adequate progress has been
1523 made by students in the school who are in the lowest 25th
1524 percentile on subject area assessments or end-of-course
1525 examinations in language arts ~~reading~~, mathematics, or science
1526 ~~writing on the FCAT~~, unless these students are exhibiting
1527 satisfactory performance. Beginning with the 2014-2015 ~~2009-2010~~
1528 school year for schools comprised of high school grades 9, 10,
1529 11, and 12, or grades 10, 11, and 12, the criteria for school
1530 grades must also give added weight to the graduation rate of all
1531 eligible at-risk students, as defined in this paragraph.
1532 Beginning in the 2014-2015 ~~2009-2010~~ school year, in order for a
1533 high school to be designated as having a grade of "A," making
1534 excellent progress, the school must demonstrate that at-risk
1535 students, as defined in this paragraph, in the school are making
1536 adequate progress.

1537 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall

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1538 identify each school's performance as having improved, remained
1539 the same, or declined. This school improvement rating shall be
1540 based on a comparison of the current year's and previous year's
1541 student and school performance data. ~~Schools that improve at~~
1542 ~~least one grade level are eligible for school recognition awards~~
1543 ~~pursuant to s. 1008.36.~~

1544 Section 14. Subsections (2) and (3) of section 1008.341,
1545 Florida Statutes, are amended to read:

1546 1008.341 School improvement rating for alternative
1547 schools.—

1548 (2) SCHOOL IMPROVEMENT RATING.—An alternative school that
1549 provides dropout prevention and academic intervention services
1550 pursuant to s. 1003.53 shall receive a school improvement rating
1551 pursuant to this section. However, an alternative school shall
1552 not receive a school improvement rating if the number of its
1553 students for whom student performance data is available for the
1554 current year and previous year is less than the minimum sample
1555 size necessary, based on accepted professional practice, for
1556 statistical reliability and prevention of the unlawful release
1557 of personally identifiable student data under s. 1002.22 or 20
1558 U.S.C. s. 1232g. The school improvement rating shall identify an
1559 alternative school as having one of the following ratings
1560 defined according to rules of the State Board of Education:

1561 (a) "Improving" means the students attending the school are
1562 making more academic progress than when the students were served
1563 in their home schools.

1564 (b) "Maintaining" means the students attending the school
1565 are making progress equivalent to the progress made when the
1566 students were served in their home schools.

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1567 (c) "Declining" means the students attending the school are
1568 making less academic progress than when the students were served
1569 in their home schools.

1570
1571 The school improvement rating shall be based on a comparison of
1572 student performance data for the current year and previous year.
1573 ~~Schools that improve at least one level or maintain an~~
1574 ~~"improving" rating pursuant to this section are eligible for~~
1575 ~~school recognition awards pursuant to s. 1008.36.~~

1576 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data
1577 used in determining an alternative school's school improvement
1578 rating shall include:

1579 (a) The aggregate scores of all eligible students who were
1580 assigned to and enrolled in the school during the October or
1581 February FTE count, who have been assessed on subject area
1582 assessments in grades 3 through 5 or end-of-course examinations
1583 in grades 6 through 12 ~~the FCAT~~, and who have ~~FCAT~~ or comparable
1584 scores for the preceding school year.

1585 (b) The aggregate scores of all eligible students who were
1586 assigned to and enrolled in the school during the October or
1587 February FTE count, who have been assessed on subject area
1588 assessments in grades 3 through 5 or end-of-course examinations
1589 in grades 6 through 12, ~~the FCAT~~ and who have scored in the
1590 lowest 25th percentile of students in the state ~~on FCAT Reading~~.

1591 (c) The overall academic performance of all eligible
1592 students in grades 3 through 12 based on grade point average,
1593 student portfolios, readiness for grade promotion, readiness for
1594 postsecondary education and careers, and, if determined by the
1595 State Board of Education, other measurable indicators of student

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1596 progress.

1597
1598 The assessment scores of students who are subject to district
1599 school board policies for expulsion for repeated or serious
1600 offenses, who are in dropout retrieval programs serving students
1601 who have officially been designated as dropouts, or who are in
1602 programs operated or contracted by the Department of Juvenile
1603 Justice may not be included in an alternative school's school
1604 improvement rating.

1605 Section 15. Paragraph (b) of subsection (7) of section
1606 1008.345, Florida Statutes, is amended to read:

1607 1008.345 Implementation of state system of school
1608 improvement and education accountability.—

1609 (7)

1610 (b) Schools that have improved at least two grades ~~and that~~
1611 ~~meet the criteria of the Florida School Recognition Program~~
1612 ~~pursuant to s. 1008.36~~ may be given deregulated status as
1613 specified in s. 1003.63(5), (7), (8), (9), and (10).

1614 Section 16. Section 1008.36, Florida Statutes, is amended
1615 to read:

1616 1008.36 Every Child Matters Program ~~Florida School~~
1617 ~~Recognition Program.~~—

1618 (1) The Legislature finds that in order to provide every
1619 student enrolled in K-12 public schools with the opportunity to
1620 achieve a successful public education, academic problems must be
1621 identified early, with remediation and intervention services to
1622 follow ~~there is a need for a performance incentive program for~~
1623 ~~outstanding faculty and staff in highly productive schools. The~~
1624 ~~Legislature further finds that performance-based incentives are~~

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1625 ~~commonplace in the private sector and should be infused into the~~
1626 ~~public sector as a reward for productivity.~~

1627 (2) The Every Child Matters Program Florida School
1628 Recognition Program is created to provide ~~financial awards to~~
1629 ~~public schools that:~~

1630 (a) A curriculum-based, year-round measurement of academic
1631 performance for all public school students enrolled in
1632 kindergarten through grade 12. Sustain high performance by
1633 ~~receiving a school grade of "A," making excellent progress; or~~

1634 (b) Remediation and intervention services to all public
1635 school students enrolled in kindergarten through grade 12 who
1636 are not meeting grade-level performance expectations.
1637 ~~Demonstrate exemplary improvement due to innovation and effort~~
1638 ~~by improving at least one letter grade or by improving more than~~
1639 ~~one letter grade and sustaining the improvement the following~~
1640 ~~school year.~~

1641 (3) All public schools, including charter schools, ~~that~~
1642 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
1643 participate in the program.

1644 (4) All ~~selected~~ schools shall receive financial assistance
1645 ~~awards~~ depending on the availability of funds appropriated ~~and~~
1646 ~~the number and size of schools selected to receive an award.~~
1647 Funds must be distributed to the school's fiscal agent and
1648 placed in the school's account and must be used for purposes
1649 listed in subsection (5) as determined jointly by the school's
1650 staff and school advisory council. ~~If school staff and the~~
1651 ~~school advisory council cannot reach agreement by November 1,~~
1652 ~~the awards must be equally distributed to all classroom teachers~~
1653 ~~currently teaching in the school.~~

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1654 (5) Every Child Matters Program funds ~~School recognition~~
1655 ~~awards~~ must be used for the following:

1656 (a) Administration of a regular formative assessment
1657 approved by the State Board of Education ~~Nonrecurring bonuses to~~
1658 ~~the faculty and staff;~~

1659 (b) Nonrecurring expenditures for remediation of low-
1660 performing students, including remediation programs and
1661 intervention services adopted and administered by the Department
1662 of Education;

1663 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
1664 or materials to assist in the remediation of low-performing
1665 students; maintaining and improving student performance; or

1666 (d) ~~(e)~~ Temporary personnel for the school to assist in the
1667 remediation of low-performing students; maintaining and
1668 improving student performance.

1669 (e) Contracts with private sector participants to provide
1670 remediation services if 90 percent of the personnel providing
1671 services reside in the state and the contracts include
1672 requirements to ensure that the private sector participants are
1673 accountable for performance; or

1674 (f) Transportation of students pursuant to s. 1002.31(3).

1675 (6) The Department of Education shall provide training and
1676 informational resources for educators to administer the
1677 formative assessment pursuant to paragraph (5) (a) and shall be
1678 responsible for developing and implementing provisions for the
1679 collection and analysis of the assessment data.

1680 (7) The Department of Education shall establish policies
1681 and procedures for the development of individual education plans
1682 for low-performing students who receive remediation and

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1683 intervention services pursuant to this section.

1684

1685 ~~Notwithstanding statutory provisions to the contrary, incentive~~
1686 ~~awards are not subject to collective bargaining.~~

1687 Section 17. Paragraph (b) of subsection (1) of section
1688 1009.531, Florida Statutes, is amended to read:

1689 1009.531 Florida Bright Futures Scholarship Program;
1690 student eligibility requirements for initial awards.-

1691 (1) Effective January 1, 2008, in order to be eligible for
1692 an initial award from any of the three types of scholarships
1693 under the Florida Bright Futures Scholarship Program, a student
1694 must:

1695 (b) Earn a standard Florida high school diploma or its
1696 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,
1697 or s. 1003.435 unless:

1698 1. The student completes a home education program according
1699 to s. 1002.41; or

1700 2. The student earns a high school diploma from a non-
1701 Florida school while living with a parent or guardian who is on
1702 military or public service assignment away from Florida.

1703 Section 18. Paragraph (d) of subsection (7) and paragraph
1704 (c) of subsection (9) of section 1011.62, Florida Statutes, are
1705 amended to read:

1706 1011.62 Funds for operation of schools.-If the annual
1707 allocation from the Florida Education Finance Program to each
1708 district for operation of schools is not determined in the
1709 annual appropriations act or the substantive bill implementing
1710 the annual appropriations act, it shall be determined as
1711 follows:

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1712 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1713 (d) Each district's allocation of sparsity supplement funds
1714 shall be adjusted in the following manner:

1715 1. A maximum discretionary levy per FTE value for each
1716 district shall be calculated by dividing the value of each
1717 district's maximum discretionary levy by its FTE student count.

1718 2. A state average discretionary levy value per FTE shall
1719 be calculated by dividing the total maximum discretionary levy
1720 value for all districts by the state total FTE student count.

1721 3. A total potential funds per FTE for each district shall
1722 be calculated by dividing the total potential funds, not
1723 including Every Child Matters Program ~~Florida School Recognition~~
1724 ~~Program~~ funds and the minimum guarantee, for each district by
1725 its FTE student count.

1726 4. A state average total potential funds per FTE shall be
1727 calculated by dividing the total potential funds, not including
1728 Every Child Matters Program ~~Florida School Recognition Program~~
1729 funds and the minimum guarantee, for all districts by the state
1730 total FTE student count.

1731 5. For districts that have a levy value per FTE as
1732 calculated in subparagraph 1. higher than the state average
1733 calculated in subparagraph 2., a sparsity wealth adjustment
1734 shall be calculated as the product of the difference between the
1735 state average levy value per FTE calculated in subparagraph 2.
1736 and the district's levy value per FTE calculated in subparagraph
1737 1. and the district's FTE student count and -1. However, no
1738 district shall have a sparsity wealth adjustment that, when
1739 applied to the total potential funds calculated in subparagraph
1740 3., would cause the district's total potential funds per FTE to

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1741 be less than the state average calculated in subparagraph 4.

1742 6. Each district's sparsity supplement allocation shall be
1743 calculated by adding the amount calculated as specified in
1744 paragraphs (a) and (b) and the wealth adjustment amount
1745 calculated in this paragraph.

1746 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1747 (c) Funds allocated under this subsection must be used to
1748 provide a system of comprehensive reading instruction to
1749 students enrolled in the K-12 programs, which may include the
1750 following:

1751 1. The provision of highly qualified reading coaches.

1752 2. Professional development for school district teachers in
1753 scientifically based reading instruction, including strategies
1754 to teach reading in content areas and with an emphasis on
1755 technical and informational text.

1756 3. The provision of summer reading camps for students who
1757 are reading below grade level ~~score at Level 1 on FCAT Reading.~~

1758 4. The provision of supplemental instructional materials
1759 that are grounded in scientifically based reading research.

1760 5. The provision of intensive interventions for middle and
1761 high school students reading below grade level.

1762 Section 19. Paragraph (b) of subsection (1) of section
1763 1012.22, Florida Statutes, is amended to read:

1764 1012.22 Public school personnel; powers and duties of the
1765 district school board.—The district school board shall:

1766 (1) Designate positions to be filled, prescribe
1767 qualifications for those positions, and provide for the
1768 appointment, compensation, promotion, suspension, and dismissal
1769 of employees as follows, subject to the requirements of this

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1770 chapter:

1771 (b) *Time to act on nominations.*—The district school board
1772 shall act not later than 3 weeks following the receipt of ~~FCAT~~
1773 ~~scores and data, including~~ school grades, or June 30, whichever
1774 is later, on the district school superintendent's nominations of
1775 supervisors, principals, and members of the instructional staff.

1776 Section 20. (1) Effective upon this act becoming a law, the
1777 Commissioner of Education shall appoint a public school
1778 assessment and accountability alignment committee to develop:

1779 (a) Standards for a revised statewide student assessment
1780 program under s. 1008.22, Florida Statutes, consisting of
1781 subject area assessments for students in grades 3 through 5,
1782 subject area assessments and end-of-course examinations in core
1783 and noncore subject areas for students in grades 6 through 12,
1784 and diagnostic assessments for students in grades 6, 8, and 10.

1785 (b) Procedures for transitioning elementary schools from
1786 the use of the Florida Comprehensive Assessment Test to the use
1787 of subject area assessments and procedures for transitioning
1788 middle schools and high schools from the use of the Florida
1789 Comprehensive Assessment Test to the use of subject area
1790 assessments and end-of-course examinations.

1791 (c) Standards for revised formulas for determining school
1792 grades and school improvement ratings under ss. 1008.34 and
1793 1008.341, Florida Statutes.

1794 (2) The committee shall align the components of the revised
1795 statewide student assessment program to best prepare students to
1796 progress from one grade to the next and to postsecondary
1797 education or careers after high school.

1798 (3) To ensure that the alignment committee represents a

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1799 cross-section of education stakeholders, it shall be composed of
1800 individuals from:

1801 (a) The education community, including, but not limited to,
1802 teachers and administrators representing elementary, secondary,
1803 and higher education.

1804 (b) Education associations, including, but not limited to,
1805 associations for teachers, school administrators, and district
1806 school boards.

1807 (c) State government and local government.

1808 (d) The business community.

1809 (e) Independent education researchers or experts.

1810 (4) Members of the alignment committee shall serve without
1811 compensation but may be reimbursed for per diem and travel
1812 expenses in accordance with s. 112.061, Florida Statutes.

1813 (5) The alignment committee may conduct public hearings
1814 around the state to obtain public input for the development of a
1815 revised statewide student assessment program and formulas for
1816 determining school grades and school improvement ratings.

1817 (6) (a) By August 1, 2010, the alignment committee shall
1818 begin work on the following:

1819 1. Developing new subject area assessments for students in
1820 grades 3 through 5, subject area assessments and end-of-course
1821 examinations for students in grades 6 through 12, and diagnostic
1822 assessments for students in grades 6, 8, and 10.

1823 2. Transitioning to a revised method for determining school
1824 grades and school improvement ratings based on factors that
1825 include subject area assessments, end-of-course examinations,
1826 overall student academic performance, and a school's use of
1827 technology and innovative practices.

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1828 (b) By August 1, 2013:

1829 1. The State Board of Education shall adopt rules pursuant
1830 to ss. 120.536(1) and 120.54, Florida Statutes, to implement the
1831 revised statewide student assessment program and school grading
1832 system as part of the state's public school assessment and
1833 accountability system beginning with the 2014-2015 school year.

1834 2. The Department of Education and school districts shall
1835 begin training and professional development for teachers, school
1836 administrators, and other educational personnel in use of the
1837 new subject area assessments, end-of-course examinations, and
1838 diagnostic assessments.

1839 (7) The alignment committee shall expire upon completion of
1840 its activities but no later than August 1, 2013.

1841 Section 21. Except as otherwise expressly provided in this
1842 act and except for this section, which shall take effect upon
1843 becoming a law, this act shall take effect July 1, 2014.