

By Senator Margolis

35-244-04

1                                   A bill to be entitled  
2           An act relating to education; requiring the  
3           Department of Education to determine the number  
4           of public schools that have eliminated physical  
5           education from their curriculum and report to  
6           the Governor and Legislature; requiring public  
7           elementary schools to incorporate daily  
8           physical education in their curriculum;  
9           amending s. 1008.22, F.S.; requiring that  
10          questions concerning proper nutrition be  
11          included on the 10th-grade FCAT; providing an  
12          effective date.

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

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16           Section 1. The Department of Education shall contact  
17 each district school board in the state and determine how many  
18 public schools have eliminated physical education from the  
19 curriculum. By July 1, 2004, the department shall submit this  
20 information to the Governor and the Legislature.

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22           Section 2. Instruction in physical  
23 education.--Beginning with the 2004-2005 school year, each  
24 child shall be given at least one-half hour of physical  
25 education every school day as part of the elementary public  
school curriculum.

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27           Section 3. Paragraphs (a) and (c) of subsection (3) of  
28 section 1008.22, Florida Statutes, are amended to read:

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30           1008.22 Student assessment program for public  
31 schools.--

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31           (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
shall design and implement a statewide program of educational

1 assessment that provides information for the improvement of  
2 the operation and management of the public schools, including  
3 schools operating for the purpose of providing educational  
4 services to youth in Department of Juvenile Justice programs.  
5 Pursuant to the statewide assessment program, the commissioner  
6 shall:

7 (a) Submit to the State Board of Education a list that  
8 specifies student skills and competencies to which the goals  
9 for education specified in the state plan apply, including,  
10 but not limited to, reading, writing, science, ~~and~~  
11 mathematics, and nutrition. The skills and competencies must  
12 include problem-solving and higher-order skills as appropriate  
13 and shall be known as the Sunshine State Standards as defined  
14 in s. 1000.21. The commissioner shall select such skills and  
15 competencies after receiving recommendations from educators,  
16 citizens, and members of the business community. The  
17 commissioner shall submit to the State Board of Education  
18 revisions to the list of student skills and competencies in  
19 order to maintain continuous progress toward improvements in  
20 student proficiency.

21 (c) Develop and implement a student achievement  
22 testing program known as the Florida Comprehensive Assessment  
23 Test (FCAT) as part of the statewide assessment program, to be  
24 administered annually in grades 3 through 10 to measure  
25 reading, writing, science, and mathematics. A student's  
26 understanding of proper nutrition must be included on the  
27 grade 10 assessment test. Other content areas may be included  
28 as directed by the commissioner. The testing program must be  
29 designed so that:

30 1. The tests measure student skills and competencies  
31 adopted by the State Board of Education as specified in

1 paragraph (a). The tests must measure and report student  
2 proficiency levels in reading, writing, mathematics, ~~and~~  
3 science, and nutrition. The commissioner shall provide for the  
4 tests to be developed or obtained, as appropriate, through  
5 contracts and project agreements with private vendors, public  
6 vendors, public agencies, postsecondary educational  
7 institutions, or school districts. The commissioner shall  
8 obtain input with respect to the design and implementation of  
9 the testing program from state educators and the public.

10 2. The testing program will include a combination of  
11 norm-referenced and criterion-referenced tests and include, to  
12 the extent determined by the commissioner, questions that  
13 require the student to produce information or perform tasks in  
14 such a way that the skills and competencies he or she uses can  
15 be measured.

16 3. Each testing program, whether at the elementary,  
17 middle, or high school level, includes a test of writing in  
18 which students are required to produce writings that are then  
19 scored by appropriate methods.

20 4. A score is designated for each subject area tested,  
21 below which score a student's performance is deemed  
22 inadequate. The school districts shall provide appropriate  
23 remedial instruction to students who score below these levels.

24 5. Except as provided in s. 1003.43(11)(b), students  
25 must earn a passing score on the grade 10 assessment test  
26 described in this paragraph or on an alternate assessment as  
27 described in subsection (9) in reading, writing, and  
28 mathematics to qualify for a regular high school diploma. The  
29 State Board of Education shall designate a passing score for  
30 each part of the grade 10 assessment test. In establishing  
31 passing scores, the state board shall consider any possible

1 negative impact of the test on minority students. All students  
2 who took the grade 10 FCAT during the 2000-2001 school year  
3 shall be required to earn the passing scores in reading and  
4 mathematics established by the State Board of Education for  
5 the March 2001 test administration. Such students who did not  
6 earn the established passing scores and must repeat the grade  
7 10 FCAT are required to earn the passing scores established  
8 for the March 2001 test administration. All students who take  
9 the grade 10 FCAT for the first time in March 2002 and  
10 thereafter shall be required to earn the passing scores in  
11 reading and mathematics established by the State Board of  
12 Education for the March 2002 test administration. The State  
13 Board of Education shall adopt rules which specify the passing  
14 scores for the grade 10 FCAT. Any such rules, which have the  
15 effect of raising the required passing scores, shall only  
16 apply to students taking the grade 10 FCAT after such rules  
17 are adopted by the State Board of Education.

18           6. Participation in the testing program is mandatory  
19 for all students attending public school, including students  
20 served in Department of Juvenile Justice programs, except as  
21 otherwise prescribed by the commissioner. If a student does  
22 not participate in the statewide assessment, the district must  
23 notify the student's parent and provide the parent with  
24 information regarding the implications of such  
25 nonparticipation. If modifications are made in the student's  
26 instruction to provide accommodations that would not be  
27 permitted on the statewide assessment tests, the district must  
28 notify the student's parent of the implications of such  
29 instructional modifications. A parent must provide signed  
30 consent for a student to receive instructional modifications  
31 that would not be permitted on the statewide assessments and

1 must acknowledge in writing that he or she understands the  
2 implications of such accommodations. The State Board of  
3 Education shall adopt rules, based upon recommendations of the  
4 commissioner, for the provision of test accommodations and  
5 modifications of procedures as necessary for students in  
6 exceptional education programs and for students who have  
7 limited English proficiency. Accommodations that negate the  
8 validity of a statewide assessment are not allowable.

9           7. A student seeking an adult high school diploma must  
10 meet the same testing requirements that a regular high school  
11 student must meet.

12           8. District school boards must provide instruction to  
13 prepare students to demonstrate proficiency in the skills and  
14 competencies necessary for successful grade-to-grade  
15 progression and high school graduation. If a student is  
16 provided with accommodations or modifications that are not  
17 allowable in the statewide assessment program, as described in  
18 the test manuals, the district must inform the parent in  
19 writing and must provide the parent with information regarding  
20 the impact on the student's ability to meet expected  
21 proficiency levels in reading, writing, and math. The  
22 commissioner shall conduct studies as necessary to verify that  
23 the required skills and competencies are part of the district  
24 instructional programs.

25           9. The Department of Education must develop, or  
26 select, and implement a common battery of assessment tools  
27 that will be used in all juvenile justice programs in the  
28 state. These tools must accurately measure the skills and  
29 competencies established in the Florida Sunshine State  
30 Standards.

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1 The commissioner may design and implement student testing  
2 programs, for any grade level and subject area, necessary to  
3 effectively monitor educational achievement in the state.

4 Section 4. This act shall take effect upon becoming a  
5 law.

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8 SENATE SUMMARY

9 Directs the Department of Education to determine the  
10 number of public schools that have eliminated physical  
11 education from their curriculum. Requires public  
12 elementary schools to incorporate daily physical  
13 education in their curriculum. Requires that nutrition  
14 questions be included on the 10th grade FCAT.  
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