

By Senator Dockery

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1 A bill to be entitled

2 An act relating to qualifications for graduating from high
3 school; amending s. 1003.428, F.S.; revising provisions
4 governing the establishment by school districts of
5 standards for graduation; requiring that school districts
6 adopt policies whereby eligible students who earn a
7 passing score on an exit portfolio may acquire a standard
8 diploma; providing criteria concerning student eligibility
9 for choosing the exit portfolio option; requiring that the
10 principal of certain public secondary schools appoint a
11 portfolio review committee; providing for membership and
12 duties of the committee; requiring that the instructional
13 personnel of certain public secondary schools develop an
14 exit portfolio for a student under certain conditions;
15 providing criteria for earning a passing score on an exit
16 portfolio; amending s. 1008.22, F.S., relating to the
17 statewide assessment program; conforming cross-references;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (4) and present subsection (6) of
23 section 1003.428, Florida Statutes, are amended, present
24 subsections (5) through (11) of that section are redesignated as
25 subsections (6) through (12), respectively, and a new subsection
26 (5) is added to that section, to read:

27 1003.428 General requirements for high school graduation;
28 revised.--

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

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

33 (b) Earning passing scores on the FCAT, as defined in s.
34 1008.22(3)(c), passing ~~or~~ scores on a standardized test which
35 ~~that~~ are concordant with passing scores on the FCAT as defined in
36 s. 1008.22(9), passing scores on a student exit portfolio under
37 subsection (5).

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

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

43
44 Each district school board shall adopt policies designed to
45 assist students in meeting the requirements of this subsection.
46 These policies may include, but are not limited to: forgiveness
47 policies, summer school or before or after school attendance,
48 special counseling, volunteers or peer tutors, school-sponsored
49 help sessions, homework hotlines, and study skills classes.
50 Forgiveness policies for required courses must ~~shall~~ be limited
51 to replacing a grade of "D" or "F," or the equivalent of a grade
52 of "D" or "F," with a grade of "C" or higher, or the equivalent
53 of a grade of "C" or higher, earned subsequently in the same or
54 comparable course. Forgiveness policies for elective courses must
55 ~~shall~~ be limited to replacing a grade of "D" or "F," or the
56 equivalent of a grade of "D" or "F," with a grade of "C" or
57 higher, or the equivalent of a grade of "C" or higher, earned

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58 subsequently in another course. However, ~~The only exception to~~
59 ~~these forgiveness policies shall be made~~ for a student in the
60 middle grades who takes any high school course for high school
61 credit and earns a grade of "C," "D," or "F" or the equivalent of
62 a grade of "C," "D," or "F." ~~In such case,~~ the district
63 forgiveness policy must allow the replacement of the grade with a
64 grade of "C" or higher, or the equivalent of a grade of "C" or
65 higher, earned subsequently in the same or comparable course. In
66 all cases of grade forgiveness, only the new grade shall be used
67 in the calculation of the student's grade point average. Any
68 course grade not replaced according to a district school board
69 forgiveness policy must ~~shall~~ be included in the calculation of
70 the cumulative grade point average required for graduation.

71 (5) (a) Each district school board shall adopt policies and
72 procedures whereby a student meeting the eligibility requirements
73 of paragraph (c) may seek to acquire a standard diploma by
74 earning a passing score on an exit portfolio as provided in this
75 subsection.

76 (b) The portfolio review committee of each public secondary
77 school, except schools that have received the designation of a
78 Certified Senior Project High School, shall evaluate and score
79 the exit portfolios submitted under paragraph (e). The portfolio
80 review committee must be appointed by the school's principal and
81 must include:

82 1. The principal or his or her designee.

83 2. The school's assistant principal for curriculum or his
84 or her designee. Any such designee must have qualifications that
85 are similar to those of the assistant principal for curriculum.

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86 3. Two members of the business community who hold a
87 professional designation in the area of human resources.

88 4. If the student whose portfolio is being evaluated by the
89 committee has not earned a passing score on the reading portion
90 of the FCAT, a reading coach or an instructor who has a reading
91 endorsement on his or her certificate.

92 5. If the student whose portfolio is being evaluated by the
93 committee has not earned a passing score on the math portion of
94 the FCAT, a person who is a certified math teacher.

95 6. If the student whose portfolio is being evaluated by the
96 committee has not earned a passing score on the writing portion
97 of the FCAT, a certified writing instructor.

98 7. If the student whose portfolio is being evaluated by the
99 committee has not earned a passing score on the science portion
100 of the FCAT, a certified science teacher.

101 (c) To be eligible for the exit portfolio option provided
102 under this subsection, a student must:

103 1. Have a cumulative grade point average of at least 2.5 on
104 a 4.0 scale, or the equivalent of such a grade point average, in
105 the courses required under this section;

106 2. Have had no more than 12 absences during the school year
107 while enrolled at a secondary school in this state; and

108 3. Provide documentation establishing that:

109 a. A Section 504 plan to provide for the student's
110 disabilities is in place; the student has a condition causing a
111 test anxiety which prevents the achievement of a score on any
112 standardized test, or the FCAT, which reflects the student's
113 actual mastery of the Sunshine State Standards; or the student

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114 has received ESOL services while enrolled at a secondary school
115 in this state; and

116 b. The student has taken the FCAT at least five times
117 without earning a passing score as defined in s. 1008.22(3)(c),
118 and has taken the ACT or SAT at least twice without earning a
119 score that is concordant with a passing score on the FCAT as
120 defined in s. 1008.22(9).

121 (d) The instructional personnel of each secondary school
122 that is required to create a portfolio review committee under
123 paragraph (b) shall commence development of an exit portfolio for
124 each student enrolled in the school who does not receive a
125 passing score on grade 10 FCAT after taking such test twice.
126 Development of such a portfolio must continue until the portfolio
127 review committee's evaluation of the student's exit portfolio
128 under paragraph (e) is complete, the student earns a passing
129 score on the FCAT as defined in s. 1008.22(3)(c), the student
130 earns a score on a standardized test which is concordant with a
131 passing score on the FCAT as defined in s. 1008.22(9), or the
132 student is no longer enrolled in the school.

133 (e) A student who meets the eligibility requirements under
134 paragraph (c) may earn a passing score on an exit portfolio as
135 specified in subparagraph 1. or subparagraph 2. The FCAT grades
136 of an eligible student whose exit portfolio receives a passing
137 score under this paragraph must be extracted from their school's
138 performance grade as invalid.

139 1. The eligible student shall provide the portfolio review
140 committee with a set of materials demonstrating the student's
141 proficiency which include, but are not limited to, the student's
142 secondary school grades and samples of the student's class work,

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143 test scores, writing samples, and research projects and shall
144 make an oral presentation to the portfolio review committee. The
145 portfolio committee shall grant a passing score on an exit
146 portfolio if it determines, on a pass-fail basis, that the
147 content of the materials provided together with the student's
148 presentation demonstrate mastery of the Sunshine State Standards
149 and ready-to-work skills.

150 2. If the student is enrolled in a secondary school that
151 has received the designation of a Certified Senior Project High
152 School, the student's achievement of the national senior project
153 standards is a passing score on an exit portfolio under this
154 paragraph.

155 (7)~~(6)~~ The public hearing and consideration required in
156 subsection (6)~~(5)~~ shall not be construed to amend or nullify the
157 requirements of security relating to the contents of examinations
158 or assessment instruments and related materials or data as
159 prescribed in s. 1008.23.

160 Section 2. Paragraph (c) of subsection (3) of section
161 1008.22, Florida Statutes, is amended to read:

162 1008.22 Student assessment program for public schools.--

163 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
164 design and implement a statewide program of educational
165 assessment that provides information for the improvement of the
166 operation and management of the public schools, including schools
167 operating for the purpose of providing educational services to
168 youth in Department of Juvenile Justice programs. The
169 commissioner may enter into contracts for the continued
170 administration of the assessment, testing, and evaluation
171 programs authorized and funded by the Legislature. Contracts may

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172 be initiated in 1 fiscal year and continue into the next and may
173 be paid from the appropriations of either or both fiscal years.
174 The commissioner is authorized to negotiate for the sale or lease
175 of tests, scoring protocols, test scoring services, and related
176 materials developed pursuant to law. Pursuant to the statewide
177 assessment program, the commissioner shall:

178 (c) Develop and implement a student achievement testing
179 program known as the Florida Comprehensive Assessment Test (FCAT)
180 as part of the statewide assessment program to measure reading,
181 writing, science, and mathematics. Other content areas may be
182 included as directed by the commissioner. The assessment of
183 reading and mathematics shall be administered annually in grades
184 3 through 10. The assessment of writing and science shall be
185 administered at least once at the elementary, middle, and high
186 school levels. The commissioner must document the procedures used
187 to ensure that the versions of the FCAT which are taken by
188 students retaking the grade 10 FCAT are equally as challenging
189 and difficult as the tests taken by students in grade 10 which
190 contain performance tasks. The testing program must be designed
191 so that:

192 1. The tests measure student skills and competencies
193 adopted by the State Board of Education as specified in paragraph
194 (a). The tests must measure and report student proficiency levels
195 of all students assessed in reading, writing, mathematics, and
196 science. The commissioner shall provide for the tests to be
197 developed or obtained, as appropriate, through contracts and
198 project agreements with private vendors, public vendors, public
199 agencies, postsecondary educational institutions, or school
200 districts. The commissioner shall obtain input with respect to

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201 the design and implementation of the testing program from state
202 educators, assistive technology experts, and the public.

203 2. The testing program will include a combination of norm-
204 referenced and criterion-referenced tests and include, to the
205 extent determined by the commissioner, questions that require the
206 student to produce information or perform tasks in such a way
207 that the skills and competencies he or she uses can be measured.

208 3. Each testing program, whether at the elementary, middle,
209 or high school level, includes a test of writing in which
210 students are required to produce writings that are then scored by
211 appropriate and timely methods.

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

216 5. Except as provided in s. 1003.428(9)(b) ~~s.~~
217 ~~1003.428(8)(b)~~ or s. 1003.43(11)(b), students must earn a passing
218 score on the grade 10 assessment test described in this paragraph
219 or attain concordant scores as described in subsection (9) in
220 reading, writing, and mathematics to qualify for a standard high
221 school diploma. The State Board of Education shall designate a
222 passing score for each part of the grade 10 assessment test. In
223 establishing passing scores, the state board shall consider any
224 possible negative impact of the test on minority students. The
225 State Board of Education shall adopt rules that ~~which~~ specify the
226 passing scores for the grade 10 FCAT; however, the board may not
227 adopt a rule that has. ~~Any such rules, which have the effect of~~
228 raising the required passing scores unless such rule applies,
229 ~~shall only apply~~ to students who take ~~taking~~ the grade 10 FCAT

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230 for the first time after such rule is ~~rules are~~ adopted by the
231 ~~State Board of Education.~~

232 6. Participation in the testing program is mandatory for
233 all students attending public school, including students served
234 in Department of Juvenile Justice programs, except as otherwise
235 prescribed by the commissioner. If a student does not participate
236 in the statewide assessment, the district must notify the
237 student's parent and provide the parent with information
238 regarding the implications of such nonparticipation. A parent
239 must provide signed consent for a student to receive classroom
240 instructional accommodations that would not be available or
241 permitted on the statewide assessments and must acknowledge in
242 writing that he or she understands the implications of such
243 instructional accommodations. The State Board of Education shall
244 adopt rules, based upon recommendations of the commissioner, for
245 the provision of test accommodations for students in exceptional
246 education programs and for students who have limited English
247 proficiency. Accommodations that negate the validity of a
248 statewide assessment are not allowable in the administration of
249 the FCAT. However, instructional accommodations are allowable in
250 the classroom if included in a student's individual education
251 plan. Students using instructional accommodations in the
252 classroom that are not allowable as accommodations on the FCAT
253 may have the FCAT requirement waived pursuant to the requirements
254 of s. 1003.428(9)(b) ~~s. 1003.428(8)(b)~~ or s. 1003.43(11)(b).

255 7. A student seeking an adult high school diploma must meet
256 the same testing requirements that a regular high school student
257 must meet.

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258 8. District school boards must provide instruction to
259 prepare students to demonstrate proficiency in the skills and
260 competencies necessary for successful grade-to-grade progression
261 and high school graduation. If a student is provided with
262 instructional accommodations in the classroom which ~~that~~ are not
263 allowable as accommodations in the statewide assessment program,
264 as described in the test manuals, the district must inform the
265 parent in writing and must provide the parent with information
266 regarding the impact on the student's ability to meet expected
267 proficiency levels in reading, writing, and math. The
268 commissioner shall conduct studies as necessary to verify that
269 the required skills and competencies are part of the district
270 instructional programs.

271 9. District school boards must provide opportunities for
272 students to demonstrate an acceptable level of performance on an
273 alternative standardized assessment approved by the State Board
274 of Education following enrollment in summer academies.

275 10. The Department of Education must develop, or select,
276 and implement a common battery of assessment tools that will be
277 used in all juvenile justice programs in the state. These tools
278 must accurately measure the skills and competencies established
279 in the Sunshine State Standards.

280 11. For students seeking a special diploma pursuant to s.
281 1003.438, the Department of Education must develop or select and
282 implement an alternate assessment tool that accurately measures
283 the skills and competencies established in the Sunshine State
284 Standards for students with disabilities under s. 1003.438.

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286 The commissioner may, based on collaboration and input from
287 school districts, design and implement student testing programs,
288 for any grade level and subject area, necessary to effectively
289 monitor educational achievement in the state, including the
290 measurement of educational achievement of the Sunshine State
291 Standards for students with disabilities. Development and
292 refinement of assessments must ~~shall~~ include universal design
293 principles and accessibility standards that will prevent any
294 unintended obstacles for students with disabilities while
295 ensuring the validity and reliability of the test. These
296 principles should be applicable to all technology platforms and
297 assistive devices available for the assessments. The field
298 testing process and psychometric analyses for the statewide
299 assessment program must include an appropriate percentage of
300 students with disabilities and an evaluation or determination of
301 the effect of test items on such students.

302 Section 3. This act shall take effect May 1, 2008.