

1                   A bill to be entitled  
2           An act relating to public school curricular standards;  
3           amending s. 1003.41, F.S.; requiring the State Board of  
4           Education to review the Sunshine State Standards and  
5           replace them with enhanced curricular standards;  
6           establishing requirements for the standards; providing  
7           requirements for the adoption, review, and revision of the  
8           standards; requiring evaluation of proposed standards;  
9           authorizing the adoption of rules; amending s. 1000.21,  
10          F.S.; revising the systemwide definition of "Sunshine  
11          State Standards"; amending s. 1001.03, F.S.; requiring the  
12          state board to review and revise the Sunshine State  
13          Standards; conforming provisions; amending s. 1001.41,  
14          F.S.; conforming provisions relating to district school  
15          board adoption of standards and policies; amending s.  
16          1001.42, F.S.; prohibiting school district expenditure of  
17          legislative appropriations for purposes of Florida  
18          Comprehensive Assessment Test (FCAT) preparation;  
19          providing penalties for unlawful expenditures; amending  
20          ss. 1003.428, 1003.429, 1003.43, 1003.433, 1006.28, and  
21          1006.31, F.S.; conforming provisions and cross-references;  
22          amending s. 1006.34, F.S.; specifying additional criteria  
23          for evaluating instructional materials; conforming  
24          provisions; amending s. 1006.38, F.S.; conforming  
25          provisions; amending s. 1006.40, F.S.; requiring  
26          instructional materials to align to the Sunshine State  
27          Standards; prohibiting school district expenditure of the  
28          instructional materials allocation for purposes of FCAT

29 preparation; requiring notification to manufacturers and  
30 publishers; providing a penalty; authorizing purchases of  
31 certain technology devices; amending s. 1008.22, F.S.;  
32 revising requirements and conforming provisions relating  
33 to the statewide assessment program; revising powers and  
34 duties of the Commissioner of Education; requiring the  
35 FCAT to assess students in social studies by a certain  
36 time; providing for end-of-course assessments; requiring  
37 the content knowledge and skills assessed by the FCAT and  
38 end-of-course assessments to align to the Sunshine State  
39 Standards; deleting provisions relating to documentation  
40 of certain testing procedures; providing restrictions on  
41 the development or publication of test-preparation  
42 materials; revising requirements for norm-referenced  
43 tests; establishing requirements for FCAT testing and  
44 reporting schedules; prohibiting certain practice testing  
45 and FCAT-preparation activities; requiring public schools  
46 to comply with statewide assessment and reporting  
47 schedules; establishing requirements for calculating  
48 student scores on revised statewide assessments;  
49 authorizing the administration of former assessments to be  
50 discontinued under certain circumstances; requiring the  
51 state board to adopt rules establishing passing scores on  
52 revised assessments required for a standard high school  
53 diploma; clarifying determination of concordant scores for  
54 the FCAT; amending s. 1008.25, F.S.; requiring each  
55 district school board's student progression program to  
56 include performance in social studies; requiring

57 | assessment, remediation, and reporting related thereto;  
 58 | amending s. 1008.34, F.S.; exempting certain schools from  
 59 | receiving school grades; revising the definition of "home  
 60 | school" for purposes of calculating school grades for  
 61 | alternative schools; requiring annual collaboration among  
 62 | school principals concerning the school assignment of  
 63 | students attending an alternative school; amending s.  
 64 | 1008.341, F.S.; exempting certain alternative schools from  
 65 | receiving school improvement ratings; amending s.  
 66 | 1008.345, F.S.; conforming provisions; providing an  
 67 | effective date.

68 |

69 | Be It Enacted by the Legislature of the State of Florida:

70 |

71 | Section 1. Section 1003.41, Florida Statutes, is amended  
 72 | to read:

73 | 1003.41 Sunshine State Standards.--

74 | (1) Public K-12 educational instruction in Florida shall  
 75 | be ~~is~~ based on the "Sunshine State Standards." The State Board  
 76 | of Education shall review the Sunshine State Standards and  
 77 | replace them with enhanced curricular standards that establish  
 78 | the core content of the curricula to be taught in this state and  
 79 | that specify the core content knowledge and skills that K-12  
 80 | public school students are expected to acquire. The enhanced  
 81 | curricular standards must, at a minimum:

82 | (a) Establish the core curricular content for language  
 83 | arts, science, mathematics, and social studies, as follows:

84 | 1. Language arts standards must establish specific

85 curricular content for, at a minimum, reading, grammar,  
86 literature, and writing. The standards must include distinct  
87 grade-level expectations for the core content knowledge and  
88 skills that a student is expected to have acquired by each  
89 individual grade level from kindergarten through grade 12. The  
90 language arts standards must also identify a specific list of  
91 authors, important literary works, and literary traditions that  
92 a student is expected to have read by each individual grade  
93 level. The State Board of Education shall, in accordance with  
94 the expedited schedule established under subsection (2), review  
95 and replace the reading and language arts standards adopted by  
96 the state board in 2007 with enhanced curricular standards that  
97 comply with this subparagraph.

98 2. Science standards must establish specific curricular  
99 content for, at a minimum, the nature of science, earth and  
100 space science, physical science, and life science. The standards  
101 must include distinct grade-level expectations for the core  
102 content knowledge and skills that a student is expected to have  
103 acquired by each individual grade level from kindergarten  
104 through grade 8. The science standards for grades 9 through 12  
105 may be organized by grade clusters of more than one grade level.

106 3. Mathematics standards must establish specific  
107 curricular content for, at a minimum, algebra, geometry,  
108 probability, statistics, calculus, discrete mathematics,  
109 financial literacy, and trigonometry. The standards must include  
110 distinct grade-level expectations for the core content knowledge  
111 and skills that a student is expected to have acquired by each  
112 individual grade level from kindergarten through grade 8. The

113 mathematics standards for grades 9 through 12 may be organized  
114 by grade clusters of more than one grade level.

115 4. Social studies standards must establish specific  
116 curricular content for, at a minimum, geography, history,  
117 government, civics, economics, United States patriotism, and  
118 national sovereignty. The standards must include distinct grade-  
119 level expectations for the core content knowledge and skills  
120 that a student is expected to have acquired by each individual  
121 grade level from kindergarten through grade 8. The social  
122 studies standards for grades 9 through 12 may be organized by  
123 grade clusters of more than one grade level.

124 (b) Establish the core curricular content for visual and  
125 performing arts, physical education, health, and foreign  
126 languages. Standards for these subjects must establish specific  
127 curricular content and include distinct grade-level expectations  
128 for the core content knowledge and skills that a student is  
129 expected to have acquired by each individual grade level from  
130 kindergarten through grade 5. The standards for grades 6 through  
131 12 may be organized by grade clusters of more than one grade  
132 level.

133 (c) Identify the core curricular content that a student is  
134 expected to learn, for each subject at each individual grade  
135 level, in order to acquire the broad background knowledge needed  
136 for reading comprehension.

137 (d) Be rigorous and relevant and provide for the logical,  
138 sequential progression of core curricular content that  
139 incrementally increases a student's core content knowledge and  
140 skills over time.

141 (e) Integrate critical-thinking and problem-solving  
142 skills; communication, reading, and writing skills; mathematics  
143 skills; collaboration skills; contextual and applied-learning  
144 skills; technology-literacy skills; information and media-  
145 literacy skills; and civic-engagement skills.

146 (f) Be organized according to a uniform structure and  
147 format that is consistent for each subject. The enhanced  
148 curricular standards shall, for each subject and grade level,  
149 use the same alphanumeric coding system.

150 (g) Be aligned to expectations for success in  
151 postsecondary education and high-skill, high-wage employment.

152 (2) By December 31, 2008, the State Board of Education  
153 shall establish an expedited schedule for adoption of the  
154 enhanced curricular Sunshine State Standards and shall establish  
155 by rule a schedule for the periodic review and revision of the  
156 standards. The state board must adopt the enhanced curricular  
157 standards for each subject by December 31, 2011.

158 (3) (a) The Commissioner of Education shall develop and  
159 submit to the State Board of Education proposed enhanced  
160 curricular Sunshine State Standards, and periodically submit  
161 proposed revisions to the standards, for adoption by the state  
162 board according to the schedules established under subsection  
163 (2). The commissioner, in developing the proposed standards,  
164 shall consult with renowned experts on K-12 curricular standards  
165 and content in each subject listed in paragraphs (1) (a) and  
166 (1) (b) and shall consider standards that are implemented by  
167 other states or nations and regarded as exceptionally rigorous  
168 by the curricular and content experts. The commissioner may also

169 consult with curricular and content experts in other subjects.

170 (b) The commissioner shall submit the proposed standards  
 171 for review and comment by Florida educators, school  
 172 administrators, representatives of community colleges and state  
 173 universities who have expertise in the content knowledge and  
 174 skills necessary to prepare a student for postsecondary  
 175 education, and leaders in business and industry. The  
 176 commissioner, after considering any comments and making any  
 177 revisions to the proposed standards, shall submit the standards  
 178 for written evaluation by renowned experts on K-12 curricular  
 179 standards and content.

180 (c) The commissioner, upon finalizing the proposed  
 181 standards, shall submit the standards and evaluations by the  
 182 curricular and content experts to the Governor, the President of  
 183 the Senate, and the Speaker of the House of Representatives at  
 184 least 21 days before the State Board of Education considers  
 185 adoption of the proposed standards.

186 (4) The State Board of Education may adopt rules under ss.  
 187 120.536(1) and 120.54 to implement this section. These standards  
 188 have been adopted by the State Board of Education and delineate  
 189 the academic achievement of students, for which the state will  
 190 hold schools accountable, in grades K 2, 3 5, 6 8, and 9 12 in  
 191 the subjects of language arts, mathematics, science, social  
 192 studies, the arts, health and physical education, and foreign  
 193 languages. They include standards in reading, writing, history,  
 194 government, geography, economics, and computer literacy.

195 Section 2. Subsection (7) of section 1000.21, Florida  
 196 Statutes, is amended to read:

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197 1000.21 Systemwide definitions.--As used in the Florida K-  
 198 20 Education Code:

199 (7) "Sunshine State Standards" means the state's public K-  
 200 12 curricular are standards adopted under s. 1003.41 that  
 201 establish the core content of the curricula to be taught in this  
 202 state and that specify the core content knowledge and skills  
 203 that K-12 public school students are expected to acquire. The  
 204 term includes the current Sunshine State Standards for a subject  
 205 until the standards are replaced under s. 1003.41 by enhanced  
 206 curricular standards. that identify what public school students  
 207 ~~should know and be able to do. These standards delineate the~~  
 208 ~~academic achievement of students for which the state will hold~~  
 209 ~~its public schools accountable in grades K-2, 3-5, 6-8, and 9-~~  
 210 ~~12, in the subjects of language arts, mathematics, science,~~  
 211 ~~social studies, the arts, health and physical education, foreign~~  
 212 ~~languages, reading, writing, history, government, geography,~~  
 213 ~~economics, and computer literacy.~~

214 Section 3. Subsection (1) of section 1001.03, Florida  
 215 Statutes, is amended to read:

216 1001.03 Specific powers of State Board of Education.--

217 (1) PUBLIC K-12 CURRICULAR ~~STUDENT PERFORMANCE~~  
 218 STANDARDS.--The State Board of Education shall adopt and  
 219 periodically review and revise ~~approve the student performance~~  
 220 ~~standards known as the Sunshine State Standards in accordance~~  
 221 with s. 1003.41. ~~key academic subject areas and grade levels.~~  
 222 ~~The state board shall establish a schedule to facilitate the~~  
 223 ~~periodic review of the standards to ensure adequate rigor,~~  
 224 ~~relevance, logical student progression, and integration of~~



225 ~~reading, writing, and mathematics across all subject areas. The~~  
 226 ~~standards review by subject area must include participation of~~  
 227 ~~curriculum leaders in other content areas, including the arts,~~  
 228 ~~to ensure valid content area integration and to address the~~  
 229 ~~instructional requirements of different learning styles. The~~  
 230 ~~process for review and proposed revisions must include~~  
 231 ~~leadership and input from the state's classroom teachers, school~~  
 232 ~~administrators, and community colleges and universities, and~~  
 233 ~~from representatives from business and industry who are~~  
 234 ~~identified by local education foundations. A report including~~  
 235 ~~proposed revisions must be submitted to the Governor, the~~  
 236 ~~President of the Senate, and the Speaker of the House of~~  
 237 ~~Representatives annually to coincide with the established review~~  
 238 ~~schedule. The review schedule and an annual status report must~~  
 239 ~~be submitted to the Governor, the President of the Senate, and~~  
 240 ~~the Speaker of the House of Representatives annually not later~~  
 241 ~~than January 1.~~

242 Section 4. Subsection (3) of section 1001.41, Florida  
 243 Statutes, is amended to read:

244 1001.41 General powers of district school board.--The  
 245 district school board, after considering recommendations  
 246 submitted by the district school superintendent, shall exercise  
 247 the following general powers:

248 (3) ~~Prescribe and~~ Adopt standards and policies that ~~to~~  
 249 provide each student the opportunity to receive a complete  
 250 education program, including instruction in the core curricular  
 251 content established in ~~language arts, mathematics, science,~~  
 252 ~~social studies, health, physical education, foreign languages,~~

253 ~~and the arts, as defined by the Sunshine State Standards. The~~  
 254 ~~standards and policies must emphasize integration and~~  
 255 ~~reinforcement of reading, writing, and mathematics skills across~~  
 256 ~~all subjects, including career awareness, career exploration,~~  
 257 ~~and Career and technical education standards and policies must~~  
 258 ~~integrate with and reinforce the Sunshine State Standards.~~

259 Section 5. Subsection (7) of section 1001.42, Florida  
 260 Statutes, is amended to read:

261 1001.42 Powers and duties of district school board.--The  
 262 district school board, acting as a board, shall exercise all  
 263 powers and perform all duties listed below:

264 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
 265 MATERIALS.--Provide adequate instructional materials for all  
 266 students in accordance with the requirements of chapter 1006. A  
 267 school district may not expend any legislative appropriation,  
 268 including, but not limited to, the instructional materials  
 269 allocation, for Florida Comprehensive Assessment Test (FCAT)  
 270 practice tests, sample test items, or practice workbooks or for  
 271 any other materials dedicated to test-taking exercises or  
 272 strategies designed exclusively for FCAT preparation or that  
 273 include any reference to the "Florida Comprehensive Assessment  
 274 Test" or "FCAT." If the Auditor General determines that a school  
 275 district has violated this subsection, the department shall  
 276 withhold from the next distribution of funds from the  
 277 instructional materials allocation under s. 1011.67 an amount  
 278 equal to the legislative appropriations expended in violation of  
 279 this subsection. The district school board shall appropriately  
 280 discipline the malfeasant staff responsible for the unlawful

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281 expenditure.

282 Section 6. Paragraph (b) of subsection (4) and paragraph  
283 (a) of subsection (8) of section 1003.428, Florida Statutes, are  
284 amended to read:

285 1003.428 General requirements for high school graduation;  
286 revised.--

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

289 (b) Earning passing scores on the FCAT, as defined in s.  
290 1008.22(3)(c), or scores on a standardized test that are  
291 concordant with passing scores on the FCAT as defined in s.  
292 1008.22 (10) ~~(9)~~.

293

294 Each district school board shall adopt policies designed to  
295 assist students in meeting the requirements of this subsection.  
296 These policies may include, but are not limited to: forgiveness  
297 policies, summer school or before or after school attendance,  
298 special counseling, volunteers or peer tutors, school-sponsored  
299 help sessions, homework hotlines, and study skills classes.  
300 Forgiveness policies for required courses shall be limited to  
301 replacing a grade of "D" or "F," or the equivalent of a grade of  
302 "D" or "F," with a grade of "C" or higher, or the equivalent of  
303 a grade of "C" or higher, earned subsequently in the same or  
304 comparable course. Forgiveness policies for elective courses  
305 shall be limited to replacing a grade of "D" or "F," or the  
306 equivalent of a grade of "D" or "F," with a grade of "C" or  
307 higher, or the equivalent of a grade of "C" or higher, earned  
308 subsequently in another course. The only exception to these

309 forgiveness policies shall be made for a student in the middle  
 310 grades who takes any high school course for high school credit  
 311 and earns a grade of "C," "D," or "F" or the equivalent of a  
 312 grade of "C," "D," or "F." In such case, the district  
 313 forgiveness policy must allow the replacement of the grade with  
 314 a grade of "C" or higher, or the equivalent of a grade of "C" or  
 315 higher, earned subsequently in the same or comparable course. In  
 316 all cases of grade forgiveness, only the new grade shall be used  
 317 in the calculation of the student's grade point average. Any  
 318 course grade not replaced according to a district school board  
 319 forgiveness policy shall be included in the calculation of the  
 320 cumulative grade point average required for graduation.

321 (8) (a) Each district school board must provide instruction  
 322 to prepare students with disabilities to demonstrate proficiency  
 323 in the core content knowledge and skills and ~~competencies~~  
 324 necessary for successful grade-to-grade progression and high  
 325 school graduation.

326 Section 7. Paragraph (a) of subsection (6) of section  
 327 1003.429, Florida Statutes, is amended to read:

328 1003.429 Accelerated high school graduation options.--

329 (6) Students pursuing accelerated 3-year high school  
 330 graduation options pursuant to paragraph (1) (b) or paragraph  
 331 (1) (c) are required to:

332 (a) Earn passing scores on the FCAT as defined in s.  
 333 1008.22 (3) (c) or scores on a standardized test that are  
 334 concordant with passing scores on the FCAT as defined in s.  
 335 1008.22 (10) ~~(9)~~.

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337 | Weighted grades referred to in paragraphs (b), (c), and (d)  
 338 | shall be applied to those courses specifically listed or  
 339 | identified by the department as rigorous pursuant to s.  
 340 | 1009.531(3) or weighted by the district school board for class  
 341 | ranking purposes.

342 |         Section 8. Paragraph (a) of subsection (5) and paragraph  
 343 | (a) of subsection (11) of section 1003.43, Florida Statutes, are  
 344 | amended to read:

345 |             1003.43 General requirements for high school graduation.--

346 |             (5) Each district school board shall establish standards  
 347 | for graduation from its schools, and these standards must  
 348 | include:

349 |             (a) Earning passing scores on the FCAT, as defined in s.  
 350 | 1008.22(3)(c), or scores on a standardized test that are  
 351 | concordant with passing scores on the FCAT as defined in s.  
 352 | 1008.22 (10) ~~(9)~~.

353 |  
 354 | The standards required in this subsection, and any subsequent  
 355 | modifications, shall be reprinted in the Florida Administrative  
 356 | Code even though not defined as "rules."

357 |             (11)(a) Each district school board must provide  
 358 | instruction to prepare students with disabilities to demonstrate  
 359 | proficiency in the core content knowledge and skills ~~and~~  
 360 | ~~competencies~~ necessary for successful grade-to-grade progression  
 361 | and high school graduation.

362 |         Section 9. Subsection (1) of section 1003.433, Florida  
 363 | Statutes, is amended to read:

364 |             1003.433 Learning opportunities for out-of-state and out-

365 of-country transfer students and students needing additional  
 366 instruction to meet high school graduation requirements.--

367 (1) Students who enter a Florida public school at the  
 368 eleventh or twelfth grade from out of state or from a foreign  
 369 country shall not be required to spend additional time in a  
 370 Florida public school in order to meet the high school course  
 371 requirements if the student has met all requirements of the  
 372 school district, state, or country from which he or she is  
 373 transferring. Such students who are not proficient in English  
 374 should receive immediate and intensive instruction in English  
 375 language acquisition. However, to receive a standard high school  
 376 diploma, a transfer student must earn a 2.0 grade point average  
 377 and pass the grade 10 FCAT required in s. 1008.22(3) or an  
 378 alternate assessment as described in s. 1008.22(10)~~(9)~~.

379 Section 10. Paragraph (b) of subsection (1) of section  
 380 1006.28, Florida Statutes, is amended to read:

381 1006.28 Duties of district school board, district school  
 382 superintendent; and school principal regarding K-12  
 383 instructional materials.--

384 (1) DISTRICT SCHOOL BOARD.--The district school board has  
 385 the duty to provide adequate instructional materials for all  
 386 students in accordance with the requirements of this part. The  
 387 term "adequate instructional materials" means a sufficient  
 388 number of textbooks or sets of materials serving as the basis  
 389 for instruction for each student in the core courses of  
 390 mathematics, language arts, social studies, science, reading,  
 391 and literature, except for instruction for which the school  
 392 advisory council approves the use of a program that does not

393 include a textbook as a major tool of instruction. The district  
 394 school board has the following specific duties:

395 (b) Textbooks.--Provide for proper requisitioning,  
 396 distribution, accounting, storage, care, and use of all  
 397 instructional materials furnished by the state and furnish such  
 398 other instructional materials as may be needed. The district  
 399 school board shall assure that instructional materials used in  
 400 the district are consistent with the district goals and  
 401 objectives and the curriculum frameworks adopted by rule of the  
 402 State Board of Education, as well as with the state and district  
 403 curricular ~~performance~~ standards provided for in s. 1001.03(1).

404 Section 11. Subsection (4) of section 1006.31, Florida  
 405 Statutes, is amended to read:

406 1006.31 Duties of each state instructional materials  
 407 committee.--The duties of each state instructional materials  
 408 committee are:

409 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To evaluate  
 410 carefully all instructional materials submitted, to ascertain  
 411 which instructional materials, if any, submitted for  
 412 consideration best implement the selection criteria developed by  
 413 the commissioner and those curricular objectives included within  
 414 applicable curricular ~~performance~~ standards provided for in s.  
 415 1001.03(1).

416 (a) When recommending instructional materials for use in  
 417 the schools, each committee shall include only instructional  
 418 materials that accurately portray the ethnic, socioeconomic,  
 419 cultural, and racial diversity of our society, including men and  
 420 women in professional, career, and executive roles, and the role

421 and contributions of the entrepreneur and labor in the total  
422 development of this state and the United States.

423 (b) When recommending instructional materials for use in  
424 the schools, each committee shall include only materials which  
425 accurately portray, whenever appropriate, humankind's place in  
426 ecological systems, including the necessity for the protection  
427 of our environment and conservation of our natural resources and  
428 the effects on the human system of the use of tobacco, alcohol,  
429 controlled substances, and other dangerous substances.

430 (c) When recommending instructional materials for use in  
431 the schools, each committee shall require such materials as it  
432 deems necessary and proper to encourage thrift, fire prevention,  
433 and humane treatment of people and animals.

434 (d) When recommending instructional materials for use in  
435 the schools, each committee shall require, when appropriate to  
436 the comprehension of students, that materials for social  
437 science, history, or civics classes contain the Declaration of  
438 Independence and the Constitution of the United States. No  
439 instructional materials shall be recommended by any committee  
440 for use in the schools which contain any matter reflecting  
441 unfairly upon persons because of their race, color, creed,  
442 national origin, ancestry, gender, or occupation.

443 (e) All instructional materials recommended by each  
444 committee for use in the schools shall be, to the satisfaction  
445 of each committee, accurate, objective, and current and suited  
446 to the needs and comprehension of students at their respective  
447 grade levels. Instructional materials committees shall consider  
448 for adoption materials developed for academically talented



449 students such as those enrolled in advanced placement courses.

450  
 451 The findings of the committees, including the evaluation of  
 452 instructional materials, shall be in sessions open to the  
 453 public. All decisions leading to determinations of the  
 454 committees shall be by roll call vote, and at no time will a  
 455 secret ballot be permitted.

456 Section 12. Subsection (1) and paragraph (b) of subsection  
 457 (2) of section 1006.34, Florida Statutes, are amended to read:

458 1006.34 Powers and duties of the commissioner and the  
 459 department in selecting and adopting instructional materials.--

460 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
 461 MATERIALS.--The commissioner shall prescribe the procedures by  
 462 which the department shall evaluate instructional materials  
 463 submitted by publishers and manufacturers in each adoption.  
 464 Included in these procedures shall be provisions that ~~which~~  
 465 afford each publisher or manufacturer or his or her  
 466 representative an opportunity to present to members of the state  
 467 instructional materials committees the merits of each  
 468 instructional material submitted in each adoption. Beginning  
 469 July 1, 2008, the procedures must prohibit the adoption of  
 470 instructional materials that include any reference to the  
 471 "Florida Comprehensive Assessment Test" or "FCAT" and must  
 472 require any instructional materials submitted to clearly  
 473 demonstrate alignment to the Sunshine State Standards.

474 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

475 (b) In the selection of instructional materials, library  
 476 books, and other reading material used in the public school

477 system, the standards used to determine the propriety of the  
 478 material shall include:

479 1. The age of the students who normally could be expected  
 480 to have access to the material.

481 2. The educational purpose to be served by the material.  
 482 In considering instructional materials for classroom use,  
 483 priority shall be given to the selection of materials which  
 484 encompass the state and district school board curricular  
 485 ~~performance~~ standards provided for in s. 1001.03(1) and which  
 486 include the instructional objectives contained within the  
 487 curriculum frameworks approved by rule of the State Board of  
 488 Education.

489 3. The degree to which the material would be supplemented  
 490 and explained by mature classroom instruction as part of a  
 491 normal classroom instructional program.

492 4. The consideration of the broad racial, ethnic,  
 493 socioeconomic, and cultural diversity of the students of this  
 494 state.

495  
 496 No book or other material containing hard-core pornography or  
 497 otherwise prohibited by s. 847.012 shall be used or available  
 498 within any public school district.

499 Section 13. Paragraph (b) of subsection (3) of section  
 500 1006.38, Florida Statutes, is amended to read:

501 1006.38 Duties, responsibilities, and requirements of  
 502 instructional materials publishers and  
 503 manufacturers.--Publishers and manufacturers of instructional  
 504 materials, or their representatives, shall:

505 (3) Submit, at a time designated in s. 1006.33, the  
 506 following information:

507 (b) Written proof that the publisher has provided written  
 508 correlations to appropriate curricular objectives included  
 509 within applicable curricular ~~performance~~ standards provided for  
 510 in s. 1001.03(1).

511 Section 14. Subsection (1) and paragraph (b) of subsection  
 512 (3) of section 1006.40, Florida Statutes, are amended to read:

513 1006.40 Use of instructional materials allocation;  
 514 instructional materials, library books, and reference books;  
 515 repair of books.--

516 (1)(a) On or before July 1 each year, the commissioner  
 517 shall certify to each district school superintendent the  
 518 estimated allocation of state funds for instructional materials,  
 519 computed under ~~pursuant to the provisions of~~ s. 1011.67 for the  
 520 ensuing fiscal year. All instructional materials used must align  
 521 to the Sunshine State Standards. Instructional materials used to  
 522 teach reading shall, to the maximum extent practicable,  
 523 incorporate nonfictional content from other core subjects.

524 (b) A school district may not expend funds from the  
 525 instructional materials allocation for Florida Comprehensive  
 526 Assessment Test (FCAT) practice tests, sample test items, or  
 527 practice workbooks or for any other materials dedicated to test-  
 528 taking exercises or strategies designed exclusively for FCAT  
 529 preparation or that include any reference to the "Florida  
 530 Comprehensive Assessment Test" or "FCAT." The department shall  
 531 notify publishers and manufacturers of this prohibition by  
 532 including notice of this paragraph in the instructional

533 materials specifications for each adoption. A school district's  
 534 violation of this paragraph is subject to the withholding of  
 535 funds from the instructional materials allocation under s.  
 536 1001.42(7).

537 (3)

538 (b) Up to 50 percent of the annual allocation may be used  
 539 for the purchase of instructional materials, including library  
 540 and reference books and nonprint materials, not included on the  
 541 state-adopted list and for the repair and renovation of  
 542 textbooks and library books. Notwithstanding subsection (4), up  
 543 to 10 percent of the funds used for the purchase of  
 544 instructional materials not on the state-adopted list may be  
 545 used to purchase technology devices with digital content or  
 546 online content if the publisher or manufacturer clearly  
 547 demonstrates that the content is aligned to the Sunshine State  
 548 Standards.

549 Section 15. Section 1008.22, Florida Statutes, is amended  
 550 to read:

551 1008.22 Student assessment program for public schools.--

552 (1) PURPOSE.--The primary purposes of the student  
 553 assessment program are to provide information needed to improve  
 554 the public schools by enhancing the learning gains of all  
 555 students and to inform parents of the educational progress of  
 556 their public school children. The program must be designed to:

557 (a) Assess the annual learning gains of each student  
 558 toward achieving the Sunshine State Standards appropriate for  
 559 the student's grade level.

560 (b) Provide data for making decisions regarding school

561 accountability and recognition.

562 (c) Identify the educational strengths and needs of  
 563 students and the readiness of students to be promoted to the  
 564 next grade level or to graduate from high school with a standard  
 565 or special high school diploma.

566 (d) Assess how well educational goals and curricular  
 567 ~~performance~~ standards are met at the school, district, and state  
 568 levels.

569 (e) Provide information to aid in the evaluation and  
 570 development of educational programs and policies.

571 (f) Provide information on the performance of Florida  
 572 students compared with that of other students across the United  
 573 States.

574 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
 575 intent to participate in the measurement of national educational  
 576 goals. The Commissioner of Education shall direct Florida school  
 577 districts to participate in the administration of the National  
 578 Assessment of Educational Progress, or a similar national  
 579 assessment program, both for the national sample and for any  
 580 state-by-state comparison programs which may be initiated. The  
 581 ~~Such~~ assessments must be conducted using the data collection  
 582 procedures, the student surveys, the educator surveys, and other  
 583 instruments included in the National Assessment of Educational  
 584 Progress or similar program being administered in Florida. The  
 585 results of these assessments shall be included in the annual  
 586 report of the Commissioner of Education specified in this  
 587 section. The administration of the National Assessment of  
 588 Educational Progress or similar program shall be in addition to

589 and separate from the administration of the statewide assessment  
590 program.

591 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
592 design and implement a statewide program of educational  
593 assessment that provides information for the improvement of the  
594 operation and management of the public schools, including  
595 schools operating for the purpose of providing educational  
596 services to youth in Department of Juvenile Justice programs.  
597 The commissioner may enter into contracts for the continued  
598 administration of the assessment, testing, and evaluation  
599 programs authorized and funded by the Legislature. Contracts may  
600 be initiated in 1 fiscal year and continue into the next and may  
601 be paid from the appropriations of either or both fiscal years.  
602 The commissioner is authorized to negotiate for the sale or  
603 lease of tests, scoring protocols, test scoring services, and  
604 related materials developed pursuant to law. Pursuant to the  
605 statewide assessment program, the commissioner shall:

606 (a) Submit proposed enhanced curricular Sunshine State  
607 Standards to the State Board of Education for adoption and  
608 periodic review and revision under s. 1003.41. ~~a list that~~  
609 ~~specifies student skills and competencies to which the goals for~~  
610 ~~education specified in the state plan apply, including, but not~~  
611 ~~limited to, reading, writing, science, and mathematics. The~~  
612 ~~skills and competencies must include problem solving and higher-~~  
613 ~~order skills as appropriate and shall be known as the Sunshine~~  
614 ~~State Standards as defined in s. 1000.21. The commissioner shall~~  
615 ~~select such skills and competencies after receiving~~  
616 ~~recommendations from educators, citizens, and members of the~~

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617 ~~business community. The commissioner shall submit to the State~~  
618 ~~Board of Education revisions to the list of student skills and~~  
619 ~~competencies in order to maintain continuous progress toward~~  
620 ~~improvements in student proficiency.~~

621 (b) Develop and implement a uniform system of indicators  
622 to describe the performance of public school students and the  
623 characteristics of the public school districts and the public  
624 schools. These indicators must include, without limitation,  
625 information gathered by the comprehensive management information  
626 system created pursuant to s. 1008.385 and student achievement  
627 information obtained pursuant to this section.

628 (c) Develop and implement a student achievement testing  
629 program known as the Florida Comprehensive Assessment Test  
630 (FCAT) as part of the statewide assessment program to measure a  
631 student's content knowledge and skills in reading, writing,  
632 science, and mathematics, and, by the 2012-2013 school year,  
633 social studies. Other content areas may be included as directed  
634 by the commissioner. Comprehensive assessments ~~The assessment~~ of  
635 reading and mathematics shall be administered annually in grades  
636 3 through 10. Comprehensive assessments ~~The assessment~~ of  
637 writing and science shall be administered at least once at the  
638 elementary, middle, and high school levels. Comprehensive  
639 assessment of social studies shall be administered at least once  
640 at the middle school level. End-of-course assessments of social  
641 studies shall be administered at the high school level. End-of-  
642 course assessments of any other subject may be administered in  
643 addition to the comprehensive assessments required under this  
644 paragraph. An end-of-course assessment must be rigorous,

645 standardized, and administered statewide. The content knowledge  
 646 and skills assessed by comprehensive and end-of-course  
 647 assessments must be aligned to the core curricular content  
 648 established in the Sunshine State Standards. ~~The commissioner~~  
 649 ~~must document the procedures used to ensure that the versions of~~  
 650 ~~the FCAT which are taken by students retaking the grade 10 FCAT~~  
 651 ~~are equally as challenging and difficult as the tests taken by~~  
 652 ~~students in grade 10 which contain performance tasks.~~ The  
 653 testing program must be designed as follows ~~so that:~~

654 1. ~~The tests measure student skills and competencies~~  
 655 ~~adopted by the State Board of Education as specified in~~  
 656 ~~paragraph (a).~~ The tests must measure and report student  
 657 proficiency levels of all students assessed in reading, writing,  
 658 mathematics, and science, and social studies. The commissioner  
 659 shall provide for the tests to be developed or obtained, as  
 660 appropriate, through contracts and project agreements with  
 661 private vendors, public vendors, public agencies, postsecondary  
 662 educational institutions, or school districts. An entity awarded  
 663 a contract or entering into a project agreement, or a corporate  
 664 affiliate or subsidiary of the entity, may not participate in  
 665 the development or publication of practice tests, sample test  
 666 items, or practice workbooks or of any other materials dedicated  
 667 to test-taking exercises or strategies for the tests developed  
 668 or obtained through the contract or project agreement, except as  
 669 authorized in the contract or project agreement or otherwise  
 670 authorized in writing by the commissioner. The commissioner  
 671 shall obtain input with respect to the design and implementation  
 672 of the testing program from assessment experts, state educators,



673 assistive technology experts, and the public. In addition, the  
 674 commissioner shall provide for ongoing review of the FCAT by an  
 675 independent test-measurement expert who provides analysis and  
 676 evaluation of the test and testing practices.

677 2. The testing program shall ~~will~~ include a combination of  
 678 ~~norm-referenced and~~ criterion-referenced tests and norm-  
 679 referenced tests. The criterion-referenced tests shall include,  
 680 to the extent determined by the commissioner, test items  
 681 ~~questions~~ that require the student to produce information or  
 682 perform tasks in such a way that the core content knowledge and  
 683 ~~skills and competencies~~ he or she uses can be measured. The  
 684 norm-referenced tests included in the statewide testing program  
 685 may only be administered in grades 3, 7, and 9.

686 3. ~~Each testing program, whether at the elementary,~~  
 687 ~~middle, or high school level, includes a test of Writing~~  
 688 assessments shall require in which students are ~~required~~ to  
 689 produce a writing sample ~~writings~~ that ~~is~~ are then scored using  
 690 ~~by~~ appropriate and timely methods.

691 4. For each test, a score shall be ~~is~~ designated ~~for each~~  
 692 ~~subject area tested,~~ below which ~~score~~ a student's performance  
 693 shall be ~~is~~ deemed inadequate. A ~~The~~ school district ~~districts~~  
 694 shall provide appropriate remedial instruction to students whose  
 695 performance is ~~who score~~ below grade level ~~these levels.~~

696 5. Except as provided in s. 1003.428(8)(b) or s.  
 697 1003.43(11)(b), students must earn a passing score on the grade  
 698 10 assessment test described in this paragraph or attain  
 699 concordant scores as described in subsection (10) ~~(9)~~ in  
 700 reading, writing, and mathematics to qualify for a standard high

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701 school diploma. The State Board of Education shall designate a  
702 passing score for each part of the grade 10 assessment test. In  
703 establishing passing scores, the state board shall consider any  
704 possible negative impact of the test on minority students. The  
705 State Board of Education shall adopt rules that ~~which~~ specify  
706 the passing scores for the grade 10 FCAT. Any such rules that~~,~~  
707 ~~which~~ have the effect of raising the required passing scores,  
708 shall only apply to students taking the grade 10 FCAT for the  
709 first time after such rules are adopted by the State Board of  
710 Education.

711 6. Participation in the testing program shall be ~~is~~  
712 mandatory for all students attending public school, including  
713 students served in Department of Juvenile Justice programs,  
714 except as otherwise prescribed by the commissioner. If a student  
715 does not participate in the statewide assessment, the district  
716 must notify the student's parent and provide the parent with  
717 information regarding the implications of such nonparticipation.  
718 A parent must provide signed consent for a student to receive  
719 classroom instructional accommodations that would not be  
720 available or permitted on the statewide assessments and must  
721 acknowledge in writing that he or she understands the  
722 implications of such instructional accommodations. The State  
723 Board of Education shall adopt rules, based upon recommendations  
724 of the commissioner, for the provision of test accommodations  
725 for students in exceptional education programs and for students  
726 who have limited English proficiency. Accommodations that negate  
727 the validity of a statewide assessment are not allowable in the  
728 administration of the FCAT. However, instructional

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729 accommodations are allowable in the classroom if included in a  
730 student's individual education plan. Students using  
731 instructional accommodations in the classroom that are not  
732 allowable as accommodations on the FCAT may have the FCAT  
733 requirement waived under ~~pursuant to the requirements of~~ s.  
734 1003.428(8)(b) or s. 1003.43(11)(b).

735 7. A student seeking an adult high school diploma must  
736 meet the same testing requirements that a regular high school  
737 student must meet.

738 8. District school boards must provide instruction to  
739 prepare students to demonstrate proficiency in the core  
740 curricular content established in the Sunshine State Standards  
741 adopted under s. 1003.41, including the core content knowledge  
742 and skills ~~and competencies~~ necessary for successful grade-to-  
743 grade progression and high school graduation. If a student is  
744 provided with instructional accommodations in the classroom that  
745 are not allowable as accommodations in the statewide assessment  
746 program, as described in the test manuals, the district must  
747 inform the parent in writing and must provide the parent with  
748 information regarding the impact on the student's ability to  
749 meet expected proficiency levels in reading, writing, science,  
750 mathematics, and social studies ~~math~~. The commissioner shall  
751 conduct studies as necessary to verify that the required core  
752 curricular content is ~~skills and competencies~~ are part of the  
753 district instructional programs.

754 9. District school boards must provide opportunities for  
755 students to demonstrate an acceptable level of performance on an  
756 alternative standardized assessment approved by the State Board

757 of Education following enrollment in summer academies.

758 10. The Department of Education must develop, or select,  
 759 and implement a common battery of assessment tools that are will  
 760 ~~be~~ used in all juvenile justice programs in the state. These  
 761 tools must accurately measure the core curricular content skills  
 762 ~~and competencies~~ established in the Sunshine State Standards.

763 11. For students seeking a special diploma under pursuant  
 764 ~~to~~ s. 1003.438, the Department of Education must develop, or  
 765 select, and implement an alternate assessment tool that  
 766 accurately measures the core curricular content skills and  
 767 ~~competencies~~ established in the Sunshine State Standards for  
 768 students with disabilities under s. 1003.438.

769 12. The Commissioner of Education shall establish  
 770 schedules for the administration of statewide assessments and  
 771 the reporting of student test results. The commissioner shall,  
 772 by August 1 of each year, notify each school district in writing  
 773 and publish on the department's Internet website the testing and  
 774 reporting schedules for, at a minimum, the school year following  
 775 the upcoming school year. The testing and reporting schedules  
 776 shall require that:

777 a. There be the latest possible administration of  
 778 statewide assessments and the earliest possible reporting to the  
 779 school districts of student test results that are feasible  
 780 within available technology and specific appropriations.

781 b. Beginning with the 2010-2011 school year, a  
 782 comprehensive statewide assessment of writing not be  
 783 administered earlier than the week of March 1 and a  
 784 comprehensive statewide assessment of any other subject not be

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785 administered earlier than the week of April 15.

786 c. A statewide end-of-course assessment be administered  
787 within the last 2 weeks of the course.

788 d. Student test results of statewide assessments be  
789 reported by the week of the first Monday in June following  
790 administration of the assessments.

791

792 The commissioner may, based on collaboration and input from  
793 school districts, design and implement student testing programs,  
794 for any grade level and subject area, necessary to effectively  
795 monitor educational achievement in the state, including the  
796 measurement of educational achievement of the Sunshine State  
797 Standards for students with disabilities. Development and  
798 refinement of assessments shall include universal design  
799 principles and accessibility standards that will prevent any  
800 unintended obstacles for students with disabilities while  
801 ensuring the validity and reliability of the test. These  
802 principles should be applicable to all technology platforms and  
803 assistive devices available for the assessments. The field  
804 testing process and psychometric analyses for the statewide  
805 assessment program must include an appropriate percentage of  
806 students with disabilities and an evaluation or determination of  
807 the effect of test items on such students.

808 (d) Conduct ongoing research to develop improved methods  
809 of assessing student performance, including, without limitation,  
810 the use of technology to administer tests, score, or report the  
811 results of, the use of electronic transfer of data, the  
812 development of work-product assessments, and the development of

813 process assessments.

814 (e) Conduct ongoing research and analysis of student  
 815 achievement data, including, without limitation, monitoring  
 816 trends in student achievement by grade level and overall student  
 817 achievement, identifying school programs that are successful,  
 818 and analyzing correlates of school achievement.

819 (f) Provide technical assistance to school districts in  
 820 the implementation of state and district testing programs and  
 821 the use of the data produced pursuant to such programs.

822 (g) Study the cost and student achievement impact of  
 823 secondary end-of-course assessments, including web-based and  
 824 performance formats, and report to the Legislature prior to  
 825 implementation.

826 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED  
 827 ACTIVITIES.--Beginning with the 2008-2009 school year, a  
 828 district school board shall prohibit each public school from  
 829 suspending a regular program of curricula for purposes of  
 830 administering practice tests or engaging in other test-  
 831 preparation activities for a statewide assessment except as  
 832 otherwise determined necessary for the valid and reliable  
 833 administration of the statewide assessment as set forth in rules  
 834 adopted by the State Board of Education with specific reference  
 835 to this subsection.

836 (5) ~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district school  
 837 board shall periodically assess student performance and  
 838 achievement within each school of the district. The assessment  
 839 programs must be based on the core curricular content  
 840 established in the Sunshine State Standards and any ~~upon~~ local

841 goals and objectives that are compatible with the state plan for  
842 education and that supplement the core content knowledge and  
843 skills necessary for successful grade-to-grade progression and  
844 high school graduation ~~and competencies adopted by the State~~  
845 ~~Board of Education~~. All school districts must participate in the  
846 statewide assessment program designed to measure annual student  
847 learning and school performance. All district school boards  
848 shall report assessment results as required by the state  
849 management information system.

850 (6) ~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school shall  
851 participate in the statewide assessment program in accordance  
852 with the testing and reporting schedules published by the  
853 Commissioner of Education under subparagraph (3)(c)12.7, unless  
854 specifically exempted by state board rule based on serving a  
855 specialized population for which standardized testing is not  
856 appropriate. Student performance data shall be analyzed and  
857 reported to parents, the community, and the state. Student  
858 performance data shall be used in developing objectives of the  
859 school improvement plan, evaluation of instructional personnel,  
860 evaluation of administrative personnel, assignment of staff,  
861 allocation of resources, acquisition of instructional materials  
862 and technology, performance-based budgeting, and promotion and  
863 assignment of students into educational programs. The analysis  
864 of student performance data also must identify strengths and  
865 needs in the educational program and trends over time. The  
866 analysis must be used in conjunction with the budgetary planning  
867 processes developed pursuant to s. 1008.385 and the development  
868 of the programs of remediation.

869        (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall provide,  
 870 at a minimum, for the following analyses of data produced by the  
 871 student achievement testing program:

872            (a) The statistical system for the annual assessments  
 873 shall use measures of student learning, such as the FCAT, to  
 874 determine teacher, school, and school district statistical  
 875 distributions, which shall be determined using available data  
 876 from the FCAT, and other data collection as deemed appropriate  
 877 by the Department of Education, to measure the differences in  
 878 student prior year achievement compared to the current year  
 879 achievement for the purposes of accountability and recognition.

880            (b) The statistical system shall provide the best  
 881 estimates of teacher, school, and school district effects on  
 882 student progress. The approach used by the department shall be  
 883 approved by the commissioner before implementation.

884            (c) The annual testing program shall be administered to  
 885 provide for valid statewide comparisons of learning gains to be  
 886 made for purposes of accountability and recognition. ~~The~~  
 887 ~~commissioner shall establish a schedule for the administration~~  
 888 ~~of the statewide assessments. In establishing such schedule, the~~  
 889 ~~commissioner is charged with the duty to accomplish the latest~~  
 890 ~~possible administration of the statewide assessments and the~~  
 891 ~~earliest possible provision of the results to the school~~  
 892 ~~districts feasible within available technology and specific~~  
 893 ~~appropriation.~~ District school boards shall not establish school  
 894 calendars that jeopardize or limit the valid testing and  
 895 comparison of student learning gains.

896        (8)~~(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning



897 gains of students in all subjects and grade levels other than  
 898 subjects and grade levels required for the state student  
 899 achievement testing program is the responsibility of the school  
 900 districts.

901 (9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.--

902 (a) If the Commissioner of Education revises a statewide  
 903 assessment and the revisions require the State Board of  
 904 Education to modify the assessment's proficiency levels or  
 905 modify the passing scores required for a standard high school  
 906 diploma, until the state board adopts the modifications by rule,  
 907 the commissioner shall use calculations for scoring the  
 908 assessment that adjust student scores on the revised assessment  
 909 for statistical equivalence to student scores on the former  
 910 assessment.

911 (b) A student must attain meet the passing scores on a  
 912 statewide assessment required testing requirements for a  
 913 standard high school diploma graduation that were in effect at  
 914 the time the student entered 9th grade 9 if, provided the  
 915 student's enrollment was continuous.

916 (c) If the commissioner revises a statewide assessment and  
 917 the revisions require the State Board of Education to modify the  
 918 passing scores required for a standard high school diploma, the  
 919 commissioner may, with approval of the state board, discontinue  
 920 administration of the former assessment upon the graduation,  
 921 based on normal student progression, of students participating  
 922 in the final regular administration of the former assessment.  
 923 The state board shall adopt by rule passing scores for the  
 924 revised assessment that are statistically equivalent to passing

925 scores on the discontinued assessment for a student required  
 926 under paragraph (b) to attain passing scores on the discontinued  
 927 assessment.

928 ~~(10)(9)~~ CONCORDANT SCORES FOR THE FCAT.--

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

944 (b) In order to use a concordant subject area score  
 945 pursuant to this subsection to satisfy the assessment  
 946 requirement for a standard high school diploma as provided in s.  
 947 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must  
 948 take each subject area of the grade 10 FCAT a total of three  
 949 times without earning a passing score. The requirements of this  
 950 paragraph shall not apply to a new student who enters the  
 951 Florida public school system in grade 12, who may either achieve

952 a passing score on the FCAT or use an approved subject area  
 953 concordant score to fulfill the graduation requirement.

954 (c) The State Board of Education may define by rule the  
 955 allowable uses, other than to satisfy the high school graduation  
 956 requirement, for concordant scores as described in this  
 957 subsection. Such uses may include, but need not be limited to,  
 958 achieving appropriate standardized test scores required for the  
 959 awarding of Florida Bright Futures Scholarships and college  
 960 placement.

961 (11)~~(10)~~ REPORTS.--The Department of Education shall  
 962 annually provide a report to the Governor, the President of the  
 963 Senate, and the Speaker of the House of Representatives on the  
 964 following:

965 (a) Longitudinal performance of students in mathematics  
 966 and reading.

967 (b) Longitudinal performance of students by grade level in  
 968 mathematics and reading.

969 (c) Longitudinal performance regarding efforts to close  
 970 the achievement gap.

971 (d) Longitudinal performance of students on the norm-  
 972 referenced component of the FCAT.

973 (e) Other student performance data based on national norm-  
 974 referenced and criterion-referenced tests, when available, and  
 975 numbers of students who after 8th grade enroll in adult  
 976 education rather than other secondary education.

977 (12)~~(11)~~ RULES.--The State Board of Education shall adopt  
 978 rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement  
 979 ~~the provisions of~~ this section.

980 Section 16. Subsection (1), paragraph (b) of subsection  
 981 (2), subsection (4), and paragraph (a) of subsection (8) of  
 982 section 1008.25, Florida Statutes, are amended to read:

983 1008.25 Public school student progression; remedial  
 984 instruction; reporting requirements.--

985 (1) INTENT.--It is the intent of the Legislature that each  
 986 student's progression from one grade to another be determined,  
 987 in part, upon proficiency in reading, writing, science, ~~and~~  
 988 mathematics, and, upon assessment under s. 1008.22, social  
 989 studies; that district school board policies facilitate such  
 990 proficiency; and that each student and his or her parent be  
 991 informed of that student's academic progress.

992 (2) COMPREHENSIVE PROGRAM.--Each district school board  
 993 shall establish a comprehensive program for student progression  
 994 which must include:

995 (b) Specific levels of performance in reading, writing,  
 996 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,  
 997 social studies for each grade level, including the levels of  
 998 performance on statewide assessments as defined by the  
 999 commissioner, below which a student must receive remediation, or  
 1000 be retained within an intensive program that is different from  
 1001 the previous year's program and that takes into account the  
 1002 student's learning style.

1003 (4) ASSESSMENT AND REMEDIATION.--

1004 (a) Each student must participate in the statewide  
 1005 assessment tests required by s. 1008.22. Each student who does  
 1006 not meet specific levels of performance as determined by the  
 1007 district school board in reading, writing, science, ~~and~~

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1008 mathematics, and, upon assessment under s. 1008.22, social  
1009 studies for each grade level, or who scores below Level 3 in  
1010 reading or mathematics ~~math~~, must be provided with additional  
1011 diagnostic assessments to determine the nature of the student's  
1012 difficulty, the areas of academic need, and strategies for  
1013 appropriate intervention and instruction as described in  
1014 paragraph (b).

1015 (b) The school in which the student is enrolled must  
1016 develop, in consultation with the student's parent, and must  
1017 implement a progress monitoring plan. A progress monitoring plan  
1018 is intended to provide the school district and the school  
1019 flexibility in meeting the academic needs of the student and to  
1020 reduce paperwork. A student who is not meeting the school  
1021 district or state requirements for proficiency in reading and  
1022 mathematics ~~math~~ shall be covered by one of the following plans  
1023 to target instruction and identify ways to improve his or her  
1024 academic achievement:

1025 1. A federally required student plan such as an individual  
1026 education plan;

1027 2. A schoolwide system of progress monitoring for all  
1028 students; or

1029 3. An individualized progress monitoring plan.

1030

1031 The plan chosen must be designed to assist the student or the  
1032 school in meeting state and district expectations for  
1033 proficiency. If the student has been identified as having a  
1034 deficiency in reading, the K-12 comprehensive reading plan  
1035 required by s. 1011.62(8) shall include instructional and

1036 support services to be provided to meet the desired levels of  
 1037 performance. District school boards may require low-performing  
 1038 students to attend remediation programs held before or after  
 1039 regular school hours or during the summer if transportation is  
 1040 provided.

1041 (c) Upon subsequent evaluation, if the documented  
 1042 deficiency has not been remediated, the student may be retained.  
 1043 Each student who does not meet the minimum performance  
 1044 expectations defined by the Commissioner of Education for the  
 1045 statewide assessment tests in reading, writing, science, ~~and~~  
 1046 mathematics, and, upon assessment under s. 1008.22, social  
 1047 studies must continue to be provided with remedial or  
 1048 supplemental instruction until the expectations are met or the  
 1049 student graduates from high school or is not subject to  
 1050 compulsory school attendance.

1051 (8) ANNUAL REPORT.--

1052 (a) In addition to the requirements in paragraph (5)(b),  
 1053 each district school board must annually report to the parent of  
 1054 each student the progress of the student toward achieving state  
 1055 and district expectations for proficiency in reading, writing,  
 1056 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,  
 1057 social studies. The district school board must report to the  
 1058 parent the student's results on each statewide assessment test.  
 1059 The evaluation of each student's progress must be based upon the  
 1060 student's classroom work, observations, tests, district and  
 1061 state assessments, and other relevant information. Progress  
 1062 reporting must be provided to the parent in writing in a format  
 1063 adopted by the district school board.

1064 Section 17. Subsection (3) of section 1008.34, Florida  
 1065 Statutes, is amended to read:

1066 1008.34 School grading system; school report cards;  
 1067 district grade.--

1068 (3) DESIGNATION OF SCHOOL GRADES.--

1069 (a) Schools receiving a school grade.--Each school that  
 1070 has students who are tested and included in the school grading  
 1071 system, ~~except an alternative school that receives a school~~  
 1072 ~~improvement rating pursuant to s. 1008.341,~~ shall receive a  
 1073 school grade, except as follows:

1074 1. A school shall not receive a school grade if the number  
 1075 of its students tested and included in the school grading system  
 1076 is less than the minimum sample size necessary, based on  
 1077 accepted professional practice, for statistical reliability and  
 1078 prevention of the unlawful release of personally identifiable  
 1079 student data under s. 1002.22 or 20 U.S.C. s. 1232g., however,

1080 2. An alternative school may choose to receive a school  
 1081 grade under this section or in lieu of a school improvement  
 1082 rating under s. 1008.341.

1083 3. Additionally, A school that serves any combination of  
 1084 students in kindergarten through grade 3 that ~~which~~ does not  
 1085 receive a school grade because its students are not tested and  
 1086 included in the school grading system shall receive the school  
 1087 grade designation of a K-3 feeder pattern school identified by  
 1088 the Department of Education and verified by the school district.  
 1089 A school feeder pattern exists if at least 60 percent of the  
 1090 students in the school serving a combination of students in  
 1091 kindergarten through grade 3 are scheduled to be assigned to the

1092 | graded school. ~~School grades itemized in subsection (2) shall be~~  
 1093 | ~~based on the following:~~

1094 |     ~~(b)(a)~~ Criteria.--A school's grade shall be based on a  
 1095 | combination of:

1096 |         1. Student achievement scores, including achievement  
 1097 | scores for students seeking a special diploma.

1098 |         2. Student learning gains as measured by annual FCAT  
 1099 | assessments in grades 3 through 10; learning gains for students  
 1100 | seeking a special diploma, as measured by an alternate  
 1101 | assessment tool, shall be included not later than the 2009-2010  
 1102 | school year.

1103 |         3. Improvement of the lowest 25th percentile of students  
 1104 | in the school in reading, mathematics ~~math~~, or writing on the  
 1105 | FCAT, unless these students are exhibiting satisfactory  
 1106 | performance.

1107 |     ~~(c)(b)~~ Student assessment data.--Student assessment data  
 1108 | used in determining school grades shall include:

1109 |         1. The aggregate scores of all eligible students enrolled  
 1110 | in the school who have been assessed on the FCAT.

1111 |         2. The aggregate scores of all eligible students enrolled  
 1112 | in the school who have been assessed on the FCAT, including  
 1113 | Florida Writes, and who have scored at or in the lowest 25th  
 1114 | percentile of students in the school in reading, mathematics  
 1115 | ~~math~~, or writing, unless these students are exhibiting  
 1116 | satisfactory performance.

1117 |         3. Effective with the 2005-2006 school year, the  
 1118 | achievement scores and learning gains of eligible students  
 1119 | attending alternative schools that provide dropout prevention



1120 and academic intervention services pursuant to s. 1003.53. The  
 1121 term "eligible students" in this subparagraph does not include  
 1122 students attending an alternative school who are subject to  
 1123 district school board policies for expulsion for repeated or  
 1124 serious offenses, who are in dropout retrieval programs serving  
 1125 students who have officially been designated as dropouts, or who  
 1126 are in programs operated or contracted by the Department of  
 1127 Juvenile Justice. The student performance data for eligible  
 1128 students identified in this subparagraph shall be included in  
 1129 the calculation of the home school's grade. As used in ~~For~~  
 1130 ~~purposes of~~ this section and s. 1008.341, the term "home school"  
 1131 means the school to which the student would be assigned if the  
 1132 student were not ~~was attending when~~ assigned to an alternative  
 1133 school. If an alternative school chooses to be graded under  
 1134 ~~pursuant to~~ this section, student performance data for eligible  
 1135 students identified in this subparagraph shall not be included  
 1136 in the home school's grade but shall be included only in the  
 1137 calculation of the alternative school's grade. School districts  
 1138 shall ~~must~~ require collaboration between the home school and the  
 1139 alternative school in order to promote student success. This  
 1140 collaboration must include an annual discussion between the  
 1141 principal of the alternative school and the principal of each  
 1142 student's home school concerning the most appropriate school  
 1143 assignment for the student.

1144  
 1145 The State Board of Education shall adopt appropriate criteria  
 1146 for each school grade. The criteria must also give added weight  
 1147 to student achievement in reading. Schools designated with a

1148 grade of "C," making satisfactory progress, shall be required to  
 1149 demonstrate that adequate progress has been made by students in  
 1150 the school who are in the lowest 25th percentile in reading,  
 1151 mathematics ~~math~~, or writing on the FCAT, including Florida  
 1152 Writes, unless these students are exhibiting satisfactory  
 1153 performance.

1154 Section 18. Subsection (2) of section 1008.341, Florida  
 1155 Statutes, is amended to read:

1156 1008.341 School improvement rating for alternative  
 1157 schools.--

1158 (2) SCHOOL IMPROVEMENT RATING.--An alternative school  
 1159 ~~schools~~ that provides ~~provide~~ dropout prevention and academic  
 1160 intervention services under ~~pursuant to~~ s. 1003.53 shall receive  
 1161 a school improvement rating under ~~pursuant to~~ this section.  
 1162 However, an alternative school shall not receive a school  
 1163 improvement rating if the number of its students for whom  
 1164 student performance data is available for the current year and  
 1165 previous year is less than the minimum sample size necessary,  
 1166 based on accepted professional practice, for statistical  
 1167 reliability and prevention of the unlawful release of personally  
 1168 identifiable student data under s. 1002.22 or 20 U.S.C. s.  
 1169 1232g. The school improvement rating shall identify an  
 1170 alternative school ~~schools~~ as having one of the following  
 1171 ratings defined according to rules of the State Board of  
 1172 Education:

1173 (a) "Improving" means a school ~~schools~~ with students  
 1174 making more academic progress than when the students were served  
 1175 in their home schools.

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1176 (b) "Maintaining" means a school ~~schools~~ with students  
 1177 making progress equivalent to the progress made when the  
 1178 students were served in their home schools.

1179 (c) "Declining" means a school ~~schools~~ with students  
 1180 making less academic progress than when the students were served  
 1181 in their home schools.

1182  
 1183 The school improvement rating shall be based on a comparison of  
 1184 student performance data for the current year and previous year.  
 1185 Schools that improve at least one level or maintain an  
 1186 "improving" rating under ~~pursuant to~~ this section are eligible  
 1187 for school recognition awards under ~~pursuant to~~ s. 1008.36.

1188 Section 19. Paragraph (a) of subsection (8) of section  
 1189 1008.345, Florida Statutes, is amended to read:

1190 1008.345 Implementation of state system of school  
 1191 improvement and education accountability.--

1192 (8) As a part of the system of educational accountability,  
 1193 the Department of Education shall:

1194 (a) Develop minimum ~~performance~~ standards for various  
 1195 grades and subject areas, as required in ss. 1001.03, 1008.22,  
 1196 and 1008.34.

1197 Section 20. This act shall take effect July 1, 2008.