

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. 220.187,  
10          F.S.; revising requirements for the selection of norm-  
11          referenced tests administered by private schools for  
12          purposes of the Corporate Income Tax Credit Scholarship  
13          Program; amending s. 1000.21, F.S.; revising the  
14          systemwide definition of "Sunshine State Standards";  
15          amending s. 1001.03, F.S.; requiring the state board to  
16          review and revise the Sunshine State Standards; conforming  
17          provisions; amending s. 1001.41, F.S.; conforming  
18          provisions relating to district school board adoption of  
19          standards and policies; amending s. 1001.42, F.S.;  
20          prohibiting school district expenditure of legislative  
21          appropriations for purposes of Florida Comprehensive  
22          Assessment Test (FCAT) preparation; providing penalties  
23          for unlawful expenditures; amending ss. 1003.428,  
24          1003.429, 1003.43, 1003.433, 1003.63, 1006.28, and  
25          1006.31, F.S.; conforming provisions and cross-references;  
26          amending s. 1006.34, F.S.; specifying additional criteria  
27          for evaluating instructional materials; conforming  
28          provisions; amending s. 1006.38, F.S.; conforming

29 provisions; amending s. 1006.40, F.S.; requiring  
30 instructional materials to align to the Sunshine State  
31 Standards; prohibiting school district expenditure of the  
32 instructional materials allocation for purposes of FCAT  
33 preparation; requiring notification to manufacturers and  
34 publishers; providing a penalty; authorizing purchases of  
35 specified content or devices; amending s. 1008.22, F.S.;  
36 revising requirements and conforming provisions relating  
37 to the statewide assessment program; revising powers and  
38 duties of the Commissioner of Education; requiring the  
39 FCAT to assess students in social studies by a certain  
40 time; providing for end-of-course assessments; requiring  
41 the content knowledge and skills assessed by the FCAT and  
42 end-of-course assessments to align to the Sunshine State  
43 Standards; authorizing the commissioner to select certain  
44 nationally developed examinations as end-of-course  
45 assessments under specified conditions; deleting  
46 provisions relating to documentation of certain testing  
47 procedures; providing restrictions on the development or  
48 publication of test-preparation materials; deleting  
49 requirements for norm-referenced tests; revising  
50 requirements for assessments of writing; establishing  
51 requirements for FCAT testing and reporting schedules;  
52 prohibiting practice testing and FCAT-preparation  
53 activities under certain conditions; authorizing certain  
54 test-preparation activities; requiring public schools to  
55 comply with statewide assessment and reporting schedules;  
56 establishing requirements for calculating student scores

57 on revised statewide assessments; authorizing the  
58 administration of former assessments to be discontinued  
59 under certain circumstances; requiring the state board to  
60 adopt rules establishing passing scores on revised  
61 assessments required for a standard high school diploma;  
62 clarifying determination of concordant scores for the  
63 FCAT; revising requirements for an annual report on  
64 student performance; amending s. 1008.25, F.S.; requiring  
65 each district school board's student progression program  
66 to include performance in social studies; requiring  
67 assessment, remediation, and reporting related thereto;  
68 amending s. 1008.34, F.S.; exempting certain schools from  
69 receiving school grades; revising the definition of "home  
70 school" for purposes of calculating school grades for  
71 alternative schools; requiring annual collaboration among  
72 school principals concerning the school assignment of  
73 students attending an alternative school; conforming  
74 provisions; amending s. 1008.341, F.S.; exempting certain  
75 alternative schools from receiving school improvement  
76 ratings; conforming provisions; amending s. 1008.345,  
77 F.S.; conforming provisions; amending s. 1008.36, F.S. ;  
78 revising criteria for financial awards under the Florida  
79 School Recognition Program; providing an effective date.

80  
81 Be It Enacted by the Legislature of the State of Florida:

82  
83 Section 1. Section 1003.41, Florida Statutes, is amended  
84 to read:

85 1003.41 Sunshine State Standards.--

86 (1) Public K-12 educational instruction in Florida shall  
 87 be ~~is~~ based on the "Sunshine State Standards." The State Board  
 88 of Education shall review the Sunshine State Standards and  
 89 replace them with enhanced curricular standards that establish  
 90 the core content of the curricula to be taught in this state and  
 91 that specify the core content knowledge and skills that the next  
 92 generation of K-12 public school students are expected to  
 93 acquire. The enhanced curricular standards must, at a minimum:

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

96 1. Language arts standards must establish specific  
 97 curricular content for, at a minimum, reading, grammar,  
 98 literature, and writing. The standards must include distinct  
 99 grade-level expectations for the core content knowledge and  
 100 skills that a student is expected to have acquired by each  
 101 individual grade level from kindergarten through grade 12. The  
 102 language arts standards must also identify a specific list of  
 103 respected works of literature that a student is expected to have  
 104 read by each individual grade level. The list of literary works  
 105 for grades 9 through 12 must be aligned, to the maximum extent  
 106 practicable, with the historical time periods identified in the  
 107 social studies courses approved by the State Board of Education  
 108 for grades 9 through 12. The state board shall, in accordance  
 109 with the expedited schedule established under subsection (2),  
 110 review and replace the reading and language arts standards  
 111 adopted by the state board in 2007 with enhanced curricular  
 112 standards that comply with this subparagraph.

113        2. Science standards must establish specific curricular  
114 content for, at a minimum, the nature of science, earth and  
115 space science, physical science, and life science. The standards  
116 must include distinct grade-level expectations for the core  
117 content knowledge and skills that a student is expected to have  
118 acquired by each individual grade level from kindergarten  
119 through grade 8. The science standards for grades 9 through 12  
120 may be organized by grade clusters of more than one grade level.

121        3. Mathematics standards must establish specific  
122 curricular content for, at a minimum, algebra, geometry,  
123 probability, statistics, calculus, discrete mathematics,  
124 financial literacy, and trigonometry. The standards must include  
125 distinct grade-level expectations for the core content knowledge  
126 and skills that a student is expected to have acquired by each  
127 individual grade level from kindergarten through grade 8. The  
128 mathematics standards for grades 9 through 12 may be organized  
129 by grade clusters of more than one grade level.

130        4. Social studies standards must establish specific  
131 curricular content for, at a minimum, geography, history,  
132 government, civics, economics, United States patriotism, and  
133 national sovereignty. The standards must include distinct grade-  
134 level expectations for the core content knowledge and skills  
135 that a student is expected to have acquired by each individual  
136 grade level from kindergarten through grade 8. The social  
137 studies standards for grades 9 through 12 may be organized by  
138 grade clusters of more than one grade level.

139        (b) Establish the core curricular content for visual and  
140 performing arts, physical education, health, and foreign

141 languages. Standards for these subjects must establish specific  
142 curricular content and include distinct grade-level expectations  
143 for the core content knowledge and skills that a student is  
144 expected to have acquired by each individual grade level from  
145 kindergarten through grade 5. The standards for grades 6 through  
146 12 may be organized by grade clusters of more than one grade  
147 level.

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

152 (d) Be rigorous and relevant and provide for the logical,  
153 sequential progression of core curricular content that  
154 incrementally increases a student's core content knowledge and  
155 skills over time.

156 (e) Integrate critical-thinking and problem-solving  
157 skills; communication, reading, and writing skills; mathematics  
158 skills; collaboration skills; contextual and applied-learning  
159 skills; technology-literacy skills; information and media-  
160 literacy skills; and civic-engagement skills.

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

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

167 (2) By December 31, 2008, the State Board of Education  
168 shall establish an expedited schedule for adoption of the

169 enhanced curricular Sunshine State Standards and shall establish  
170 by rule a schedule for the periodic review and revision of the  
171 standards. The state board must adopt the enhanced curricular  
172 standards for each subject by December 31, 2011.

173 (3) (a) The Commissioner of Education shall develop and  
174 submit to the State Board of Education proposed enhanced  
175 curricular Sunshine State Standards, and periodically submit  
176 proposed revisions to the standards, for adoption by the state  
177 board according to the schedules established under subsection  
178 (2). The commissioner, in developing the proposed standards,  
179 shall consult with renowned experts on K-12 curricular standards  
180 and content in each subject listed in paragraphs (1) (a) and  
181 (1) (b) and shall consider standards that are implemented by  
182 other states or nations and regarded as exceptionally rigorous  
183 by the curricular and content experts. The commissioner may also  
184 consult with curricular and content experts in other subjects.

185 (b) The commissioner shall submit the proposed standards  
186 for review and comment by Florida educators, school  
187 administrators, representatives of community colleges and state  
188 universities who have expertise in the content knowledge and  
189 skills necessary to prepare a student for postsecondary  
190 education, and leaders in business and industry. The  
191 commissioner, after considering any comments and making any  
192 revisions to the proposed standards, shall submit the standards  
193 for written evaluation by renowned experts on K-12 curricular  
194 standards and content.

195 (c) The commissioner, upon finalizing the proposed  
196 standards, shall submit the standards and evaluations by the

197 curricular and content experts to the Governor, the President of  
 198 the Senate, and the Speaker of the House of Representatives at  
 199 least 21 days before the State Board of Education considers  
 200 adoption of the proposed standards.

201 (4) The State Board of Education may adopt rules under ss.  
 202 120.536(1) and 120.54 to implement this section. ~~These standards~~  
 203 ~~have been adopted by the State Board of Education and delineate~~  
 204 ~~the academic achievement of students, for which the state will~~  
 205 ~~hold schools accountable, in grades K 2, 3 5, 6 8, and 9 12 in~~  
 206 ~~the subjects of language arts, mathematics, science, social~~  
 207 ~~studies, the arts, health and physical education, and foreign~~  
 208 ~~languages. They include standards in reading, writing, history,~~  
 209 ~~government, geography, economics, and computer literacy.~~

210 Section 2. Paragraph (i) of subsection (9) of section  
 211 220.187, Florida Statutes, is amended to read:

212 220.187 Credits for contributions to nonprofit  
 213 scholarship-funding organizations.--

214 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department  
 215 of Education shall:

216 (i) In accordance with State Board of Education rule,  
 217 identify and select the nationally norm-referenced tests, and  
 218 ~~that are comparable to the norm referenced provisions of the~~  
 219 ~~Florida Comprehensive Assessment Test (FCAT) provided that the~~  
 220 ~~FCAT may be one of the tests selected. However, the Department~~  
 221 ~~of Education may approve schools to the use of an additional~~  
 222 ~~assessments, which meet assessment by the school if the~~  
 223 ~~assessment meets industry standards of quality and~~  
 224 ~~comparability.~~



225 Section 3. Subsection (7) of section 1000.21, Florida  
 226 Statutes, is amended to read:

227 1000.21 Systemwide definitions.--As used in the Florida K-  
 228 20 Education Code:

229 (7) "Sunshine State Standards" means the state's public K-  
 230 12 curricular are standards adopted under s. 1003.41 that  
 231 establish the core content of the curricula to be taught in this  
 232 state and that specify the core content knowledge and skills  
 233 that the next generation of K-12 public school students are  
 234 expected to acquire. The term includes the current Sunshine  
 235 State Standards for a subject until the standards are replaced  
 236 under s. 1003.41 by enhanced curricular standards. that identify  
 237 ~~what public school students should know and be able to do. These~~  
 238 ~~standards delineate the academic achievement of students for~~  
 239 ~~which the state will hold its public schools accountable in~~  
 240 ~~grades K-2, 3-5, 6-8, and 9-12, in the subjects of language~~  
 241 ~~arts, mathematics, science, social studies, the arts, health and~~  
 242 ~~physical education, foreign languages, reading, writing,~~  
 243 ~~history, government, geography, economics, and computer~~  
 244 ~~literacy.~~

245 Section 4. Subsection (1) of section 1001.03, Florida  
 246 Statutes, is amended to read:

247 1001.03 Specific powers of State Board of Education.--

248 (1) PUBLIC K-12 CURRICULAR ~~STUDENT PERFORMANCE~~  
 249 ~~STANDARDS.~~--The State Board of Education shall adopt and  
 250 periodically review and revise ~~approve the student performance~~  
 251 ~~standards known as the Sunshine State Standards in accordance~~  
 252 with s. 1003.41. key academic subject areas and grade levels.

253 ~~The state board shall establish a schedule to facilitate the~~  
254 ~~periodic review of the standards to ensure adequate rigor,~~  
255 ~~relevance, logical student progression, and integration of~~  
256 ~~reading, writing, and mathematics across all subject areas. The~~  
257 ~~standards review by subject area must include participation of~~  
258 ~~curriculum leaders in other content areas, including the arts,~~  
259 ~~to ensure valid content area integration and to address the~~  
260 ~~instructional requirements of different learning styles. The~~  
261 ~~process for review and proposed revisions must include~~  
262 ~~leadership and input from the state's classroom teachers, school~~  
263 ~~administrators, and community colleges and universities, and~~  
264 ~~from representatives from business and industry who are~~  
265 ~~identified by local education foundations. A report including~~  
266 ~~proposed revisions must be submitted to the Governor, the~~  
267 ~~President of the Senate, and the Speaker of the House of~~  
268 ~~Representatives annually to coincide with the established review~~  
269 ~~schedule. The review schedule and an annual status report must~~  
270 ~~be submitted to the Governor, the President of the Senate, and~~  
271 ~~the Speaker of the House of Representatives annually not later~~  
272 ~~than January 1.~~

273 Section 5. Subsection (3) of section 1001.41, Florida  
274 Statutes, is amended to read:

275 1001.41 General powers of district school board.--The  
276 district school board, after considering recommendations  
277 submitted by the district school superintendent, shall exercise  
278 the following general powers:

279 (3) ~~Prescribe and~~ Adopt standards and policies that ~~to~~  
280 provide each student the opportunity to receive a complete

281 education program, including instruction in the core curricular  
 282 content established in language arts, mathematics, science,  
 283 social studies, health, physical education, foreign languages,  
 284 and the arts, as defined by the Sunshine State Standards. The  
 285 standards and policies must emphasize integration and  
 286 reinforcement of reading, writing, and mathematics skills across  
 287 all subjects, including career awareness, career exploration,  
 288 and Career and technical education standards and policies must  
 289 integrate with and reinforce the Sunshine State Standards.

290 Section 6. Subsection (7) of section 1001.42, Florida  
 291 Statutes, is amended to read:

292 1001.42 Powers and duties of district school board.--The  
 293 district school board, acting as a board, shall exercise all  
 294 powers and perform all duties listed below:

295 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL  
 296 MATERIALS.--Provide adequate instructional materials for all  
 297 students in accordance with the requirements of chapter 1006. A  
 298 school district may not expend any legislative appropriation,  
 299 including, but not limited to, the instructional materials  
 300 allocation, for Florida Comprehensive Assessment Test (FCAT)  
 301 practice tests, sample test items, or practice workbooks or for  
 302 any other materials dedicated to test-taking exercises or  
 303 strategies designed exclusively for FCAT preparation or that  
 304 include any reference to the "Florida Comprehensive Assessment  
 305 Test" or "FCAT." If the Auditor General determines that a school  
 306 district has violated this subsection, the department shall  
 307 withhold from the next distribution of funds from the  
 308 instructional materials allocation under s. 1011.67 an amount

309 equal to the legislative appropriations expended in violation of  
 310 this subsection. The district school board shall appropriately  
 311 discipline the malfeasant staff responsible for the unlawful  
 312 expenditure.

313 Section 7. Paragraph (b) of subsection (4) and paragraph  
 314 (a) of subsection (8) of section 1003.428, Florida Statutes, are  
 315 amended to read:

316 1003.428 General requirements for high school graduation;  
 317 revised.--

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

320 (b) Earning passing scores on the FCAT, as defined in s.  
 321 1008.22(3)(c), or scores on a standardized test that are  
 322 concordant with passing scores on the FCAT as defined in s.  
 323 1008.22(10)~~(9)~~.

324  
 325 Each district school board shall adopt policies designed to  
 326 assist students in meeting the requirements of this subsection.  
 327 These policies may include, but are not limited to: forgiveness  
 328 policies, summer school or before or after school attendance,  
 329 special counseling, volunteers or peer tutors, school-sponsored  
 330 help sessions, homework hotlines, and study skills classes.  
 331 Forgiveness policies for required courses shall be limited to  
 332 replacing a grade of "D" or "F," or the equivalent of a grade of  
 333 "D" or "F," with a grade of "C" or higher, or the equivalent of  
 334 a grade of "C" or higher, earned subsequently in the same or  
 335 comparable course. Forgiveness policies for elective courses  
 336 shall be limited to replacing a grade of "D" or "F," or the

337 equivalent of a grade of "D" or "F," with a grade of "C" or  
338 higher, or the equivalent of a grade of "C" or higher, earned  
339 subsequently in another course. The only exception to these  
340 forgiveness policies shall be made for a student in the middle  
341 grades who takes any high school course for high school credit  
342 and earns a grade of "C," "D," or "F" or the equivalent of a  
343 grade of "C," "D," or "F." In such case, the district  
344 forgiveness policy must allow the replacement of the grade with  
345 a grade of "C" or higher, or the equivalent of a grade of "C" or  
346 higher, earned subsequently in the same or comparable course. In  
347 all cases of grade forgiveness, only the new grade shall be used  
348 in the calculation of the student's grade point average. Any  
349 course grade not replaced according to a district school board  
350 forgiveness policy shall be included in the calculation of the  
351 cumulative grade point average required for graduation.

352 (8) (a) Each district school board must provide instruction  
353 to prepare students with disabilities to demonstrate proficiency  
354 in the core content knowledge and skills ~~and competencies~~  
355 necessary for successful grade-to-grade progression and high  
356 school graduation.

357 Section 8. Paragraph (a) of subsection (6) of section  
358 1003.429, Florida Statutes, is amended to read:

359 1003.429 Accelerated high school graduation options.--

360 (6) Students pursuing accelerated 3-year high school  
361 graduation options pursuant to paragraph (1) (b) or paragraph  
362 (1) (c) are required to:

363 (a) Earn passing scores on the FCAT as defined in s.  
364 1008.22 (3) (c) or scores on a standardized test that are

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365 concordant with passing scores on the FCAT as defined in s.  
 366 1008.22 (10) ~~(9)~~.

367  
 368 Weighted grades referred to in paragraphs (b), (c), and (d)  
 369 shall be applied to those courses specifically listed or  
 370 identified by the department as rigorous pursuant to s.  
 371 1009.531(3) or weighted by the district school board for class  
 372 ranking purposes.

373 Section 9. Paragraph (a) of subsection (5) and paragraph  
 374 (a) of subsection (11) of section 1003.43, Florida Statutes, are  
 375 amended to read:

376 1003.43 General requirements for high school graduation.--

377 (5) Each district school board shall establish standards  
 378 for graduation from its schools, and these standards must  
 379 include:

380 (a) Earning passing scores on the FCAT, as defined in s.  
 381 1008.22(3)(c), or scores on a standardized test that are  
 382 concordant with passing scores on the FCAT as defined in s.  
 383 1008.22 (10) ~~(9)~~.

384  
 385 The standards required in this subsection, and any subsequent  
 386 modifications, shall be reprinted in the Florida Administrative  
 387 Code even though not defined as "rules."

388 (11)(a) Each district school board must provide  
 389 instruction to prepare students with disabilities to demonstrate  
 390 proficiency in the core content knowledge and skills ~~and~~  
 391 ~~competencies~~ necessary for successful grade-to-grade progression  
 392 and high school graduation.

393 Section 10. Subsection (1) of section 1003.433, Florida  
 394 Statutes, is amended to read:

395 1003.433 Learning opportunities for out-of-state and out-  
 396 of-country transfer students and students needing additional  
 397 instruction to meet high school graduation requirements.--

398 (1) Students who enter a Florida public school at the  
 399 eleventh or twelfth grade from out of state or from a foreign  
 400 country shall not be required to spend additional time in a  
 401 Florida public school in order to meet the high school course  
 402 requirements if the student has met all requirements of the  
 403 school district, state, or country from which he or she is  
 404 transferring. Such students who are not proficient in English  
 405 should receive immediate and intensive instruction in English  
 406 language acquisition. However, to receive a standard high school  
 407 diploma, a transfer student must earn a 2.0 grade point average  
 408 and pass the grade 10 FCAT required in s. 1008.22(3) or an  
 409 alternate assessment as described in s. 1008.22(10)~~(9)~~.

410 Section 11. Paragraph (d) of subsection (6) of section  
 411 1003.63, Florida Statutes, is amended to read:

412 1003.63 Deregulated public schools pilot program.--

413 (6) ELEMENTS OF THE PROPOSAL.--The major issues involving  
 414 the operation of a deregulated public school shall be considered  
 415 in advance and written into the proposal.

416 (d) Upon receipt of the annual report required by  
 417 paragraph (b), the Department of Education shall provide the  
 418 State Board of Education, the Commissioner of Education, the  
 419 President of the Senate, and the Speaker of the House of  
 420 Representatives with a copy of each report and an analysis and

421 comparison of the overall performance of students, to include  
 422 all students in deregulated public schools whose scores are  
 423 counted as part of the statewide assessment tests, versus  
 424 comparable public school students in the district as determined  
 425 by statewide assessments administered under s. 1008.22(3) FCAT  
 426 and district assessment tests and, ~~as appropriate, the Florida~~  
 427 ~~Writes Assessment Test, and other assessments administered~~  
 428 ~~pursuant to s. 1008.22(3).~~

429 Section 12. Paragraph (b) of subsection (1) of section  
 430 1006.28, Florida Statutes, is amended to read:

431 1006.28 Duties of district school board, district school  
 432 superintendent; and school principal regarding K-12  
 433 instructional materials.--

434 (1) DISTRICT SCHOOL BOARD.--The district school board has  
 435 the duty to provide adequate instructional materials for all  
 436 students in accordance with the requirements of this part. The  
 437 term "adequate instructional materials" means a sufficient  
 438 number of textbooks or sets of materials serving as the basis  
 439 for instruction for each student in the core courses of  
 440 mathematics, language arts, social studies, science, reading,  
 441 and literature, except for instruction for which the school  
 442 advisory council approves the use of a program that does not  
 443 include a textbook as a major tool of instruction. The district  
 444 school board has the following specific duties:

445 (b) Textbooks.--Provide for proper requisitioning,  
 446 distribution, accounting, storage, care, and use of all  
 447 instructional materials furnished by the state and furnish such  
 448 other instructional materials as may be needed. The district



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449 school board shall assure that instructional materials used in  
450 the district are consistent with the district goals and  
451 objectives and the curriculum frameworks adopted by rule of the  
452 State Board of Education, as well as with the state and district  
453 curricular ~~performance~~ standards provided for in s. 1001.03(1).

454 Section 13. Subsection (4) of section 1006.31, Florida  
455 Statutes, is amended to read:

456 1006.31 Duties of each state instructional materials  
457 committee.--The duties of each state instructional materials  
458 committee are:

459 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To evaluate  
460 carefully all instructional materials submitted, to ascertain  
461 which instructional materials, if any, submitted for  
462 consideration best implement the selection criteria developed by  
463 the commissioner and those curricular objectives included within  
464 applicable curricular ~~performance~~ standards provided for in s.  
465 1001.03(1).

466 (a) When recommending instructional materials for use in  
467 the schools, each committee shall include only instructional  
468 materials that accurately portray the ethnic, socioeconomic,  
469 cultural, and racial diversity of our society, including men and  
470 women in professional, career, and executive roles, and the role  
471 and contributions of the entrepreneur and labor in the total  
472 development of this state and the United States.

473 (b) When recommending instructional materials for use in  
474 the schools, each committee shall include only materials which  
475 accurately portray, whenever appropriate, humankind's place in  
476 ecological systems, including the necessity for the protection

477 of our environment and conservation of our natural resources and  
478 the effects on the human system of the use of tobacco, alcohol,  
479 controlled substances, and other dangerous substances.

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

484 (d) When recommending instructional materials for use in  
485 the schools, each committee shall require, when appropriate to  
486 the comprehension of students, that materials for social  
487 science, history, or civics classes contain the Declaration of  
488 Independence and the Constitution of the United States. No  
489 instructional materials shall be recommended by any committee  
490 for use in the schools which contain any matter reflecting  
491 unfairly upon persons because of their race, color, creed,  
492 national origin, ancestry, gender, or occupation.

493 (e) All instructional materials recommended by each  
494 committee for use in the schools shall be, to the satisfaction  
495 of each committee, accurate, objective, and current and suited  
496 to the needs and comprehension of students at their respective  
497 grade levels. Instructional materials committees shall consider  
498 for adoption materials developed for academically talented  
499 students such as those enrolled in advanced placement courses.

500

501 The findings of the committees, including the evaluation of  
502 instructional materials, shall be in sessions open to the  
503 public. All decisions leading to determinations of the  
504 committees shall be by roll call vote, and at no time will a

505 secret ballot be permitted.

506 Section 14. Subsection (1) and paragraph (b) of subsection  
507 (2) of section 1006.34, Florida Statutes, are amended to read:

508 1006.34 Powers and duties of the commissioner and the  
509 department in selecting and adopting instructional materials.--

510 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
511 MATERIALS.--The commissioner shall prescribe the procedures by  
512 which the department shall evaluate instructional materials  
513 submitted by publishers and manufacturers in each adoption.  
514 Included in these procedures shall be provisions that ~~which~~  
515 afford each publisher or manufacturer or his or her  
516 representative an opportunity to present to members of the state  
517 instructional materials committees the merits of each  
518 instructional material submitted in each adoption. Beginning  
519 July 1, 2008, the procedures must prohibit the adoption of  
520 instructional materials that include any reference to the  
521 "Florida Comprehensive Assessment Test" or "FCAT" and must  
522 require any instructional materials submitted to clearly  
523 demonstrate alignment to the Sunshine State Standards.

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

525 (b) In the selection of instructional materials, library  
526 books, and other reading material used in the public school  
527 system, the standards used to determine the propriety of the  
528 material shall include:

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

531 2. The educational purpose to be served by the material.  
532 In considering instructional materials for classroom use,

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533 priority shall be given to the selection of materials which  
534 encompass the state and district school board curricular  
535 ~~performance~~ standards provided for in s. 1001.03(1) and which  
536 include the instructional objectives contained within the  
537 curriculum frameworks approved by rule of the State Board of  
538 Education.

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

542 4. The consideration of the broad racial, ethnic,  
543 socioeconomic, and cultural diversity of the students of this  
544 state.

545

546 No book or other material containing hard-core pornography or  
547 otherwise prohibited by s. 847.012 shall be used or available  
548 within any public school district.

549 Section 15. Paragraph (b) of subsection (3) of section  
550 1006.38, Florida Statutes, is amended to read:

551 1006.38 Duties, responsibilities, and requirements of  
552 instructional materials publishers and  
553 manufacturers.--Publishers and manufacturers of instructional  
554 materials, or their representatives, shall:

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

557 (b) Written proof that the publisher has provided written  
558 correlations to appropriate curricular objectives included  
559 within applicable curricular ~~performance~~ standards provided for  
560 in s. 1001.03(1).

561 Section 16. Subsection (1) and paragraph (b) of subsection  
562 (3) of section 1006.40, Florida Statutes, are amended to read:

563 1006.40 Use of instructional materials allocation;  
564 instructional materials, library books, and reference books;  
565 repair of books.--

566 (1) (a) On or before July 1 each year, the commissioner  
567 shall certify to each district school superintendent the  
568 estimated allocation of state funds for instructional materials,  
569 computed under pursuant to the provisions of s. 1011.67 for the  
570 ensuing fiscal year. All instructional materials used must align  
571 to the Sunshine State Standards. Instructional materials used to  
572 teach reading shall, to the maximum extent practicable,  
573 incorporate nonfictional content from other core subjects.

574 (b) A school district may not expend funds from the  
575 instructional materials allocation for Florida Comprehensive  
576 Assessment Test (FCAT) practice tests, sample test items, or  
577 practice workbooks or for any other materials dedicated to test-  
578 taking exercises or strategies designed exclusively for FCAT  
579 preparation or that include any reference to the "Florida  
580 Comprehensive Assessment Test" or "FCAT." The department shall  
581 notify publishers and manufacturers of this prohibition by  
582 including notice of this paragraph in the instructional  
583 materials specifications for each adoption. A school district's  
584 violation of this paragraph is subject to the withholding of  
585 funds from the instructional materials allocation under s.  
586 1001.42 (7).

587 (3)

588 (b) Up to 50 percent of the annual allocation may be used

589 for the purchase of instructional materials, including library  
590 and reference books and nonprint materials, not included on the  
591 state-adopted list and for the repair and renovation of  
592 textbooks and library books. Notwithstanding subsection (4), up  
593 to 10 percent of the funds used for the purchase of  
594 instructional materials not on the state-adopted list may be  
595 used to purchase digital or online content, or technology  
596 devices with digital or online content, if the publisher or  
597 manufacturer clearly demonstrates that the content is aligned to  
598 the Sunshine State Standards.

599 Section 17. Section 1008.22, Florida Statutes, is amended  
600 to read:

601 1008.22 Student assessment program for public schools.--

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

607 (a) Assess the annual learning gains of each student  
608 toward achieving the Sunshine State Standards appropriate for  
609 the student's grade level.

610 (b) Provide data for making decisions regarding school  
611 accountability and recognition.

612 (c) Identify the educational strengths and needs of  
613 students and the readiness of students to be promoted to the  
614 next grade level or to graduate from high school with a standard  
615 or special high school diploma.

616 (d) Assess how well educational goals and curricular

617 ~~performance~~ standards are met at the school, district, and state  
618 levels.

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

621 (f) Provide information on the performance of Florida  
622 students compared with that of other students across the United  
623 States.

624 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
625 intent to participate in the measurement of national educational  
626 goals. The Commissioner of Education shall direct Florida school  
627 districts to participate in the administration of the National  
628 Assessment of Educational Progress, or a similar national  
629 assessment program, both for the national sample and for any  
630 state-by-state comparison programs which may be initiated. The  
631 ~~Such~~ assessments must be conducted using the data collection  
632 procedures, the student surveys, the educator surveys, and other  
633 instruments included in the National Assessment of Educational  
634 Progress or similar program being administered in Florida. The  
635 results of these assessments shall be included in the annual  
636 report of the Commissioner of Education specified in this  
637 section. The administration of the National Assessment of  
638 Educational Progress or similar program shall be in addition to  
639 and separate from the administration of the statewide assessment  
640 program.

641 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
642 design and implement a statewide program of educational  
643 assessment that provides information for the improvement of the  
644 operation and management of the public schools, including

645 schools operating for the purpose of providing educational  
646 services to youth in Department of Juvenile Justice programs.  
647 The commissioner may enter into contracts for the continued  
648 administration of the assessment, testing, and evaluation  
649 programs authorized and funded by the Legislature. Contracts may  
650 be initiated in 1 fiscal year and continue into the next and may  
651 be paid from the appropriations of either or both fiscal years.  
652 The commissioner is authorized to negotiate for the sale or  
653 lease of tests, scoring protocols, test scoring services, and  
654 related materials developed pursuant to law. Pursuant to the  
655 statewide assessment program, the commissioner shall:

656 (a) Submit proposed enhanced curricular Sunshine State  
657 Standards to the State Board of Education for adoption and  
658 periodic review and revision under s. 1003.41. ~~a list that~~  
659 ~~specifies student skills and competencies to which the goals for~~  
660 ~~education specified in the state plan apply, including, but not~~  
661 ~~limited to, reading, writing, science, and mathematics. The~~  
662 ~~skills and competencies must include problem solving and higher-~~  
663 ~~order skills as appropriate and shall be known as the Sunshine~~  
664 ~~State Standards as defined in s. 1000.21. The commissioner shall~~  
665 ~~select such skills and competencies after receiving~~  
666 ~~recommendations from educators, citizens, and members of the~~  
667 ~~business community. The commissioner shall submit to the State~~  
668 ~~Board of Education revisions to the list of student skills and~~  
669 ~~competencies in order to maintain continuous progress toward~~  
670 ~~improvements in student proficiency.~~

671 (b) Develop and implement a uniform system of indicators  
672 to describe the performance of public school students and the



673 characteristics of the public school districts and the public  
674 schools. These indicators must include, without limitation,  
675 information gathered by the comprehensive management information  
676 system created pursuant to s. 1008.385 and student achievement  
677 information obtained pursuant to this section.

678 (c) Develop and implement a student achievement testing  
679 program known as the Florida Comprehensive Assessment Test  
680 (FCAT) as part of the statewide assessment program to measure a  
681 student's content knowledge and skills in reading, writing,  
682 science, and mathematics, and, by the 2012-2013 school year,  
683 social studies. Other content areas may be included as directed  
684 by the commissioner. Comprehensive assessments ~~The assessment~~ of  
685 reading and mathematics shall be administered annually in grades  
686 3 through 10. Comprehensive assessments ~~The assessment~~ of  
687 writing and science shall be administered at least once at the  
688 elementary, middle, and high school levels. Comprehensive  
689 assessment of social studies shall be administered at least once  
690 at the middle school level. End-of-course assessments of social  
691 studies shall be administered at the high school level. End-of-  
692 course assessments of any other subject may be administered in  
693 addition to the comprehensive assessments required under this  
694 paragraph. An end-of-course assessment must be rigorous,  
695 standardized, and administered statewide. The content knowledge  
696 and skills assessed by comprehensive and end-of-course  
697 assessments must be aligned to the core curricular content  
698 established in the Sunshine State Standards. The commissioner  
699 may select one or more nationally developed comprehensive  
700 examinations, which may include, but are not limited to,

701 examinations for a College Board Advanced Placement course,  
702 International Baccalaureate course, or Advanced International  
703 Certificate of Education course, for use as end-of-course  
704 assessments under this paragraph, if the commissioner determines  
705 that the content knowledge and skills assessed by the  
706 examinations meet or exceed the grade-level expectations of the  
707 Sunshine State Standards for the course ~~must document the~~  
708 ~~procedures used to ensure that the versions of the FCAT which~~  
709 ~~are taken by students retaking the grade 10 FCAT are equally as~~  
710 ~~challenging and difficult as the tests taken by students in~~  
711 ~~grade 10 which contain performance tasks.~~ The testing program  
712 must be designed as follows ~~so that:~~

713 1. ~~The tests measure student skills and competencies~~  
714 ~~adopted by the State Board of Education as specified in~~  
715 ~~paragraph (a).~~ The tests must measure and report student  
716 proficiency levels of all students assessed in reading, writing,  
717 mathematics, and science, and social studies. The commissioner  
718 shall provide for the tests to be developed or obtained, as  
719 appropriate, through contracts and project agreements with  
720 private vendors, public vendors, public agencies, postsecondary  
721 educational institutions, or school districts. An entity awarded  
722 a contract or entering into a project agreement, or a corporate  
723 affiliate or subsidiary of the entity, may not participate in  
724 the development or publication of practice tests, sample test  
725 items, or practice workbooks or of any other materials dedicated  
726 to test-taking exercises or strategies for the tests developed  
727 or obtained through the contract or project agreement, except as  
728 authorized in the contract or project agreement or otherwise

729 authorized in writing by the commissioner. The commissioner  
730 shall obtain input with respect to the design and implementation  
731 of the testing program from assessment experts, state educators,  
732 assistive technology experts, and the public. In addition, the  
733 commissioner shall provide for ongoing review of the FCAT by an  
734 independent test-measurement expert who provides analysis and  
735 evaluation of the test and testing practices.

736 2. The testing program shall be composed ~~will include a~~  
737 ~~combination of norm-referenced and criterion-referenced tests,~~  
738 which shall and include, to the extent determined by the  
739 commissioner, include test items ~~questions~~ that require the  
740 student to produce information or perform tasks in such a way  
741 that the core content knowledge and skills ~~and competencies~~ he  
742 or she uses can be measured.

743 3. Beginning with the 2008-2009 school year, the  
744 commissioner shall discontinue administration of the selected-  
745 response test items on the comprehensive assessments of writing.  
746 Beginning with the 2012-2013 school year, the comprehensive  
747 assessments of writing shall be composed of a combination of  
748 selected-response test items, short-response performance tasks,  
749 and extended-response performance tasks, which shall measure a  
750 student's content knowledge of writing, including, but not  
751 limited to, paragraph and sentence structure, sentence  
752 construction, grammar and usage, punctuation, capitalization,  
753 spelling, parts of speech, verb tense, irregular verbs, subject-  
754 verb agreement, and noun-pronoun agreement. ~~Each testing~~  
755 ~~program, whether at the elementary, middle, or high school~~  
756 ~~level, includes a test of writing in which students are required~~

757 ~~to produce writings that are then scored by appropriate and~~  
758 ~~timely methods.~~

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

764       5. Except as provided in s. 1003.428(8)(b) or s.  
765 1003.43(11)(b), students must earn a passing score on the grade  
766 10 assessment test described in this paragraph or attain  
767 concordant scores as described in subsection (10) ~~(9)~~ in  
768 reading, writing, and mathematics to qualify for a standard high  
769 school diploma. The State Board of Education shall designate a  
770 passing score for each part of the grade 10 assessment test. In  
771 establishing passing scores, the state board shall consider any  
772 possible negative impact of the test on minority students. The  
773 State Board of Education shall adopt rules that ~~which~~ specify  
774 the passing scores for the grade 10 FCAT. Any such rules that,  
775 ~~which~~ have the effect of raising the required passing scores,  
776 shall only apply to students taking the grade 10 FCAT for the  
777 first time after such rules are adopted by the State Board of  
778 Education.

779       6. Participation in the testing program shall be ~~is~~  
780 mandatory for all students attending public school, including  
781 students served in Department of Juvenile Justice programs,  
782 except as otherwise prescribed by the commissioner. If a student  
783 does not participate in the statewide assessment, the district  
784 must notify the student's parent and provide the parent with

785 information regarding the implications of such nonparticipation.  
 786 A parent must provide signed consent for a student to receive  
 787 classroom instructional accommodations that would not be  
 788 available or permitted on the statewide assessments and must  
 789 acknowledge in writing that he or she understands the  
 790 implications of such instructional accommodations. The State  
 791 Board of Education shall adopt rules, based upon recommendations  
 792 of the commissioner, for the provision of test accommodations  
 793 for students in exceptional education programs and for students  
 794 who have limited English proficiency. Accommodations that negate  
 795 the validity of a statewide assessment are not allowable in the  
 796 administration of the FCAT. However, instructional  
 797 accommodations are allowable in the classroom if included in a  
 798 student's individual education plan. Students using  
 799 instructional accommodations in the classroom that are not  
 800 allowable as accommodations on the FCAT may have the FCAT  
 801 requirement waived under ~~pursuant to the requirements of s.~~  
 802 1003.428(8)(b) or s. 1003.43(11)(b).

803 7. A student seeking an adult high school diploma must  
 804 meet the same testing requirements that a regular high school  
 805 student must meet.

806 8. District school boards must provide instruction to  
 807 prepare students to demonstrate proficiency in the core  
 808 curricular content established in the Sunshine State Standards  
 809 adopted under s. 1003.41, including the core content knowledge  
 810 and skills ~~and competencies~~ necessary for successful grade-to-  
 811 grade progression and high school graduation. If a student is  
 812 provided with instructional accommodations in the classroom that

813 are not allowable as accommodations in the statewide assessment  
 814 program, as described in the test manuals, the district must  
 815 inform the parent in writing and must provide the parent with  
 816 information regarding the impact on the student's ability to  
 817 meet expected proficiency levels in reading, writing, science,  
 818 mathematics, and social studies ~~math~~. The commissioner shall  
 819 conduct studies as necessary to verify that the required core  
 820 curricular content is ~~skills and competencies~~ are part of the  
 821 district instructional programs.

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

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

831 11. For students seeking a special diploma under ~~pursuant~~  
 832 ~~to~~ s. 1003.438, the Department of Education must develop, or  
 833 select, and implement an alternate assessment tool that  
 834 accurately measures the core curricular content ~~skills and~~  
 835 ~~competencies~~ established in the Sunshine State Standards for  
 836 students with disabilities under s. 1003.438.

837 12. The Commissioner of Education shall establish  
 838 schedules for the administration of statewide assessments and  
 839 the reporting of student test results. The commissioner shall,  
 840 by August 1 of each year, notify each school district in writing

841 and publish on the department's Internet website the testing and  
842 reporting schedules for, at a minimum, the school year following  
843 the upcoming school year. The testing and reporting schedules  
844 shall require that:

845 a. There be the latest possible administration of  
846 statewide assessments and the earliest possible reporting to the  
847 school districts of student test results that are feasible  
848 within available technology and specific appropriations.

849 b. Beginning with the 2010-2011 school year, a  
850 comprehensive statewide assessment of writing not be  
851 administered earlier than the week of March 1 and a  
852 comprehensive statewide assessment of any other subject not be  
853 administered earlier than the week of April 15.

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

856 d. Student test results of statewide assessments be  
857 reported by the week of the first Monday in June following  
858 administration of the assessments.

859  
860 The commissioner may, based on collaboration and input from  
861 school districts, design and implement student testing programs,  
862 for any grade level and subject area, necessary to effectively  
863 monitor educational achievement in the state, including the  
864 measurement of educational achievement of the Sunshine State  
865 Standards for students with disabilities. Development and  
866 refinement of assessments shall include universal design  
867 principles and accessibility standards that will prevent any  
868 unintended obstacles for students with disabilities while

869 ensuring the validity and reliability of the test. These  
870 principles should be applicable to all technology platforms and  
871 assistive devices available for the assessments. The field  
872 testing process and psychometric analyses for the statewide  
873 assessment program must include an appropriate percentage of  
874 students with disabilities and an evaluation or determination of  
875 the effect of test items on such students.

876 (d) Conduct ongoing research to develop improved methods  
877 of assessing student performance, including, without limitation,  
878 the use of technology to administer tests, score, or report the  
879 results of, the use of electronic transfer of data, the  
880 development of work-product assessments, and the development of  
881 process assessments.

882 (e) Conduct ongoing research and analysis of student  
883 achievement data, including, without limitation, monitoring  
884 trends in student achievement by grade level and overall student  
885 achievement, identifying school programs that are successful,  
886 and analyzing correlates of school achievement.

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

890 (g) Study the cost and student achievement impact of  
891 secondary end-of-course assessments, including web-based and  
892 performance formats, and report to the Legislature prior to  
893 implementation.

894 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED  
895 ACTIVITIES.--Beginning with the 2008-2009 school year, a  
896 district school board shall prohibit each public school from



897 suspending a regular program of curricula for purposes of  
898 administering practice tests or engaging in other test-  
899 preparation activities for a statewide assessment. However, a  
900 district school board may authorize a public school to engage in  
901 the following test-preparation activities for a statewide  
902 assessment:

903 (a) Distributing to students the sample test books and  
904 answer keys published by the Department of Education.

905 (b) Providing individualized instruction in test-taking  
906 strategies, without suspending the school's regular program of  
907 curricula, for a student who scores at Level 1 or Level 2 on a  
908 prior administration of the statewide assessment.

909 (c) Providing individualized instruction in the content  
910 knowledge and skills assessed, without suspending the school's  
911 regular program of curricula, for a student who scores at Level  
912 1 or Level 2 on a prior administration of the statewide  
913 assessment or for a student who, through a diagnostic assessment  
914 administered by the school district, is identified as having a  
915 deficiency in the content knowledge and skills assessed.

916 (d) Incorporating test-taking exercises and strategies  
917 into curricula for intensive reading and mathematics  
918 intervention courses.

919 (e) Administering a practice test or engaging in other  
920 test-preparation activities for the statewide assessment, which  
921 are determined necessary to familiarize students with the  
922 organization of the assessment, format of the test items, and  
923 the test directions, or otherwise necessary for the valid and  
924 reliable administration of the assessment, as set forth in rules

925 adopted by the State Board of Education with specific reference  
 926 to this paragraph.

927 (5)~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district school  
 928 board shall periodically assess student performance and  
 929 achievement within each school of the district. The assessment  
 930 programs must be based on the core curricular content  
 931 established in the Sunshine State Standards and any ~~upon~~ local  
 932 goals and objectives that are compatible with the state plan for  
 933 education and that supplement the core content knowledge and  
 934 skills necessary for successful grade-to-grade progression and  
 935 high school graduation and ~~competencies adopted by the State~~  
 936 ~~Board of Education~~. All school districts must participate in the  
 937 statewide assessment program designed to measure annual student  
 938 learning and school performance. All district school boards  
 939 shall report assessment results as required by the state  
 940 management information system.

941 (6)~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school shall  
 942 participate in the statewide assessment program in accordance  
 943 with the testing and reporting schedules published by the  
 944 Commissioner of Education under subparagraph (3)(c)12.7, unless  
 945 specifically exempted by state board rule based on serving a  
 946 specialized population for which standardized testing is not  
 947 appropriate. Student performance data shall be analyzed and  
 948 reported to parents, the community, and the state. Student  
 949 performance data shall be used in developing objectives of the  
 950 school improvement plan, evaluation of instructional personnel,  
 951 evaluation of administrative personnel, assignment of staff,  
 952 allocation of resources, acquisition of instructional materials

953 and technology, performance-based budgeting, and promotion and  
954 assignment of students into educational programs. The analysis  
955 of student performance data also must identify strengths and  
956 needs in the educational program and trends over time. The  
957 analysis must be used in conjunction with the budgetary planning  
958 processes developed pursuant to s. 1008.385 and the development  
959 of the programs of remediation.

960 (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall provide,  
961 at a minimum, for the following analyses of data produced by the  
962 student achievement testing program:

963 (a) The statistical system for the annual assessments  
964 shall use measures of student learning, such as the FCAT, to  
965 determine teacher, school, and school district statistical  
966 distributions, which shall be determined using available data  
967 from the FCAT, and other data collection as deemed appropriate  
968 by the Department of Education, to measure the differences in  
969 student prior year achievement compared to the current year  
970 achievement for the purposes of accountability and recognition.

971 (b) The statistical system shall provide the best  
972 estimates of teacher, school, and school district effects on  
973 student progress. The approach used by the department shall be  
974 approved by the commissioner before implementation.

975 (c) The annual testing program shall be administered to  
976 provide for valid statewide comparisons of learning gains to be  
977 made for purposes of accountability and recognition. ~~The~~  
978 ~~commissioner shall establish a schedule for the administration~~  
979 ~~of the statewide assessments. In establishing such schedule, the~~  
980 ~~commissioner is charged with the duty to accomplish the latest~~

981 ~~possible administration of the statewide assessments and the~~  
 982 ~~earliest possible provision of the results to the school~~  
 983 ~~districts feasible within available technology and specific~~  
 984 ~~appropriation.~~ District school boards shall not establish school  
 985 calendars that jeopardize or limit the valid testing and  
 986 comparison of student learning gains.

987 (8)~~(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning  
 988 gains of students in all subjects and grade levels other than  
 989 subjects and grade levels required for the state student  
 990 achievement testing program is the responsibility of the school  
 991 districts.

992 (9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.--

993 (a) If the Commissioner of Education revises a statewide  
 994 assessment and the revisions require the State Board of  
 995 Education to modify the assessment's proficiency levels or  
 996 modify the passing scores required for a standard high school  
 997 diploma, until the state board adopts the modifications by rule,  
 998 the commissioner shall use calculations for scoring the  
 999 assessment that adjust student scores on the revised assessment  
 1000 for statistical equivalence to student scores on the former  
 1001 assessment.

1002 (b) A student must attain meet the passing scores on a  
 1003 statewide assessment required testing requirements for a  
 1004 standard high school diploma graduation that were in effect at  
 1005 the time the student entered 9th grade 9 if, ~~provided~~ the  
 1006 student's enrollment was continuous.

1007 (c) If the commissioner revises a statewide assessment and  
 1008 the revisions require the State Board of Education to modify the

1009 passing scores required for a standard high school diploma, the  
 1010 commissioner may, with approval of the state board, discontinue  
 1011 administration of the former assessment upon the graduation,  
 1012 based on normal student progression, of students participating  
 1013 in the final regular administration of the former assessment.  
 1014 The state board shall adopt by rule passing scores for the  
 1015 revised assessment that are statistically equivalent to passing  
 1016 scores on the discontinued assessment for a student required  
 1017 under paragraph (b) to attain passing scores on the discontinued  
 1018 assessment.

1019 (10)~~(9)~~ CONCORDANT SCORES FOR THE FCAT.--

1020 (a) The State Board of Education shall analyze the content  
 1021 and concordant data sets for widely used high school achievement  
 1022 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
 1023 and College Placement Test, to assess if concordant scores for  
 1024 FCAT scores can be determined for high school graduation,  
 1025 college placement, and scholarship awards. In cases where  
 1026 content alignment and concordant scores can be determined, the  
 1027 Commissioner of Education shall adopt those scores as meeting  
 1028 the graduation requirement in lieu of achieving the FCAT passing  
 1029 score and may adopt those scores as being sufficient to achieve  
 1030 additional purposes as determined by rule. Each time ~~that~~ test  
 1031 content or scoring procedures change ~~are changed~~ for the FCAT or  
 1032 for a high school achievement test for which a concordant score  
 1033 is determined ~~one of the identified tests~~, new concordant scores  
 1034 must be determined.

1035 (b) In order to use a concordant subject area score  
 1036 pursuant to this subsection to satisfy the assessment

1037 requirement for a standard high school diploma as provided in s.  
 1038 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must  
 1039 take each subject area of the grade 10 FCAT a total of three  
 1040 times without earning a passing score. The requirements of this  
 1041 paragraph shall not apply to a new student who enters the  
 1042 Florida public school system in grade 12, who may either achieve  
 1043 a passing score on the FCAT or use an approved subject area  
 1044 concordant score to fulfill the graduation requirement.

1045 (c) The State Board of Education may define by rule the  
 1046 allowable uses, other than to satisfy the high school graduation  
 1047 requirement, for concordant scores as described in this  
 1048 subsection. Such uses may include, but need not be limited to,  
 1049 achieving appropriate standardized test scores required for the  
 1050 awarding of Florida Bright Futures Scholarships and college  
 1051 placement.

1052 (11)~~(10)~~ REPORTS.--The Department of Education shall  
 1053 annually provide a report to the Governor, the President of the  
 1054 Senate, and the Speaker of the House of Representatives on the  
 1055 following:

1056 (a) Longitudinal performance of students in mathematics  
 1057 and reading.

1058 (b) Longitudinal performance of students by grade level in  
 1059 mathematics and reading.

1060 (c) Longitudinal performance regarding efforts to close  
 1061 the achievement gap.

1062 ~~(d) Longitudinal performance of students on the norm-~~  
 1063 ~~referenced component of the FCAT.~~

1064        ~~(d)-(e)~~ Other student performance data based on national  
 1065 norm-referenced and criterion-referenced tests, when available,  
 1066 and numbers of students who after 8th grade enroll in adult  
 1067 education rather than other secondary education.

1068        ~~(12)-(11)~~ RULES.--The State Board of Education shall adopt  
 1069 rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement  
 1070 ~~the provisions of~~ this section.

1071        Section 18. Subsection (1), paragraph (b) of subsection  
 1072 (2), subsection (4), and paragraph (a) of subsection (8) of  
 1073 section 1008.25, Florida Statutes, are amended to read:

1074        1008.25 Public school student progression; remedial  
 1075 instruction; reporting requirements.--

1076        (1) INTENT.--It is the intent of the Legislature that each  
 1077 student's progression from one grade to another be determined,  
 1078 in part, upon proficiency in reading, writing, science, ~~and~~  
 1079 mathematics, and, upon assessment under s. 1008.22, social  
 1080 studies; that district school board policies facilitate such  
 1081 proficiency; and that each student and his or her parent be  
 1082 informed of that student's academic progress.

1083        (2) COMPREHENSIVE PROGRAM.--Each district school board  
 1084 shall establish a comprehensive program for student progression  
 1085 which must include:

1086        (b) Specific levels of performance in reading, writing,  
 1087 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,  
 1088 social studies for each grade level, including the levels of  
 1089 performance on statewide assessments as defined by the  
 1090 commissioner, below which a student must receive remediation, or  
 1091 be retained within an intensive program that is different from

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1092 the previous year's program and that takes into account the  
1093 student's learning style.

1094 (4) ASSESSMENT AND REMEDIATION.--

1095 (a) Each student must participate in the statewide  
1096 assessment tests required by s. 1008.22. Each student who does  
1097 not meet specific levels of performance as determined by the  
1098 district school board in reading, writing, science, ~~and~~  
1099 mathematics, and, upon assessment under s. 1008.22, social  
1100 studies for each grade level, or who scores below Level 3 in  
1101 reading or mathematics ~~math~~, must be provided with additional  
1102 diagnostic assessments to determine the nature of the student's  
1103 difficulty, the areas of academic need, and strategies for  
1104 appropriate intervention and instruction as described in  
1105 paragraph (b).

1106 (b) The school in which the student is enrolled must  
1107 develop, in consultation with the student's parent, and must  
1108 implement a progress monitoring plan. A progress monitoring plan  
1109 is intended to provide the school district and the school  
1110 flexibility in meeting the academic needs of the student and to  
1111 reduce paperwork. A student who is not meeting the school  
1112 district or state requirements for proficiency in reading and  
1113 mathematics ~~math~~ shall be covered by one of the following plans  
1114 to target instruction and identify ways to improve his or her  
1115 academic achievement:

1116 1. A federally required student plan such as an individual  
1117 education plan;

1118 2. A schoolwide system of progress monitoring for all  
1119 students; or



1120           3. An individualized progress monitoring plan.

1121  
1122       The plan chosen must be designed to assist the student or the  
1123       school in meeting state and district expectations for  
1124       proficiency. If the student has been identified as having a  
1125       deficiency in reading, the K-12 comprehensive reading plan  
1126       required by s. 1011.62(8) shall include instructional and  
1127       support services to be provided to meet the desired levels of  
1128       performance. District school boards may require low-performing  
1129       students to attend remediation programs held before or after  
1130       regular school hours or during the summer if transportation is  
1131       provided.

1132           (c) Upon subsequent evaluation, if the documented  
1133       deficiency has not been remediated, the student may be retained.  
1134       Each student who does not meet the minimum performance  
1135       expectations defined by the Commissioner of Education for the  
1136       statewide assessment tests in reading, writing, science, ~~and~~  
1137       mathematics, and, upon assessment under s. 1008.22, social  
1138       studies must continue to be provided with remedial or  
1139       supplemental instruction until the expectations are met or the  
1140       student graduates from high school or is not subject to  
1141       compulsory school attendance.

1142           (8) ANNUAL REPORT.--

1143           (a) In addition to the requirements in paragraph (5)(b),  
1144       each district school board must annually report to the parent of  
1145       each student the progress of the student toward achieving state  
1146       and district expectations for proficiency in reading, writing,  
1147       science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,

1148 social studies. The district school board must report to the  
 1149 parent the student's results on each statewide assessment test.  
 1150 The evaluation of each student's progress must be based upon the  
 1151 student's classroom work, observations, tests, district and  
 1152 state assessments, and other relevant information. Progress  
 1153 reporting must be provided to the parent in writing in a format  
 1154 adopted by the district school board.

1155 Section 19. Subsection (3) of section 1008.34, Florida  
 1156 Statutes, is amended to read:

1157 1008.34 School grading system; school report cards;  
 1158 district grade.--

1159 (3) DESIGNATION OF SCHOOL GRADES.--

1160 (a) Schools receiving a school grade.--Each school that  
 1161 has students who are tested and included in the school grading  
 1162 system, ~~except an alternative school that receives a school~~  
 1163 ~~improvement rating pursuant to s. 1008.341,~~ shall receive a  
 1164 school grade, except as follows:

1165 1. A school shall not receive a school grade if the number  
 1166 of its students tested and included in the school grading system  
 1167 is less than the minimum sample size necessary, based on  
 1168 accepted professional practice, for statistical reliability and  
 1169 prevention of the unlawful release of personally identifiable  
 1170 student data under s. 1002.22 or 20 U.S.C. s. 1232g., ~~however,~~

1171 2. An alternative school may choose to receive a school  
 1172 grade under this section ~~or in lieu of a school improvement~~  
 1173 rating under s. 1008.341.

1174 3. Additionally, A school that serves any combination of  
 1175 students in kindergarten through grade 3 that ~~which~~ does not

1176 receive a school grade because its students are not tested and  
 1177 included in the school grading system shall receive the school  
 1178 grade designation of a K-3 feeder pattern school identified by  
 1179 the Department of Education and verified by the school district.  
 1180 A school feeder pattern exists if at least 60 percent of the  
 1181 students in the school serving a combination of students in  
 1182 kindergarten through grade 3 are scheduled to be assigned to the  
 1183 graded school. ~~School grades itemized in subsection (2) shall be~~  
 1184 ~~based on the following:~~

1185 (b)~~(a)~~ Criteria.--A school's grade shall be based on a  
 1186 combination of:

1187 1. Student achievement scores, including achievement  
 1188 scores for students seeking a special diploma.

1189 2. Student learning gains as measured by annual FCAT  
 1190 assessments in grades 3 through 10; learning gains for students  
 1191 seeking a special diploma, as measured by an alternate  
 1192 assessment tool, shall be included not later than the 2009-2010  
 1193 school year.

1194 3. Improvement of the lowest 25th percentile of students  
 1195 in the school in reading, mathematics ~~math~~, or writing on the  
 1196 FCAT, unless these students are exhibiting satisfactory  
 1197 performance.

1198 (c)~~(b)~~ Student assessment data.--Student assessment data  
 1199 used in determining school grades shall include:

1200 1. The aggregate scores of all eligible students enrolled  
 1201 in the school who have been assessed on the FCAT.

1202 2. The aggregate scores of all eligible students enrolled  
 1203 in the school who have been assessed on the FCAT, ~~including~~

1204 ~~Florida Writes,~~ and who have scored at or in the lowest 25th  
 1205 percentile of students in the school in reading, mathematics  
 1206 ~~math,~~ or writing, unless these students are exhibiting  
 1207 satisfactory performance.

1208         3. Effective with the 2005-2006 school year, the  
 1209 achievement scores and learning gains of eligible students  
 1210 attending alternative schools that provide dropout prevention  
 1211 and academic intervention services pursuant to s. 1003.53. The  
 1212 term "eligible students" in this subparagraph does not include  
 1213 students attending an alternative school who are subject to  
 1214 district school board policies for expulsion for repeated or  
 1215 serious offenses, who are in dropout retrieval programs serving  
 1216 students who have officially been designated as dropouts, or who  
 1217 are in programs operated or contracted by the Department of  
 1218 Juvenile Justice. The student performance data for eligible  
 1219 students identified in this subparagraph shall be included in  
 1220 the calculation of the home school's grade. As used in ~~For~~  
 1221 ~~purposes of~~ this section and s. 1008.341, the term "home school"  
 1222 means the school to which the student would be assigned if the  
 1223 student were not ~~was attending when~~ assigned to an alternative  
 1224 school. If an alternative school chooses to be graded under  
 1225 ~~pursuant to~~ this section, student performance data for eligible  
 1226 students identified in this subparagraph shall not be included  
 1227 in the home school's grade but shall be included only in the  
 1228 calculation of the alternative school's grade. School districts  
 1229 shall ~~must~~ require collaboration between the home school and the  
 1230 alternative school in order to promote student success. This  
 1231 collaboration must include an annual discussion between the

1232 principal of the alternative school and the principal of each  
 1233 student's home school concerning the most appropriate school  
 1234 assignment for the student.

1235  
 1236 The State Board of Education shall adopt appropriate criteria  
 1237 for each school grade. The criteria must also give added weight  
 1238 to student achievement in reading. Schools designated with a  
 1239 grade of "C," making satisfactory progress, shall be required to  
 1240 demonstrate that adequate progress has been made by students in  
 1241 the school who are in the lowest 25th percentile in reading,  
 1242 mathematics math, or writing on the FCAT, ~~including Florida~~  
 1243 ~~Writes~~, unless these students are exhibiting satisfactory  
 1244 performance.

1245 Section 20. Subsection (2) and paragraph (b) of subsection  
 1246 (3) of section 1008.341, Florida Statutes, are amended to read:  
 1247 1008.341 School improvement rating for alternative  
 1248 schools.--

1249 (2) SCHOOL IMPROVEMENT RATING.--An alternative school  
 1250 ~~schools~~ that provides ~~provide~~ dropout prevention and academic  
 1251 intervention services under ~~pursuant to~~ s. 1003.53 shall receive  
 1252 a school improvement rating under ~~pursuant to~~ this section.  
 1253 However, an alternative school shall not receive a school  
 1254 improvement rating if the number of its students for whom  
 1255 student performance data is available for the current year and  
 1256 previous year is less than the minimum sample size necessary,  
 1257 based on accepted professional practice, for statistical  
 1258 reliability and prevention of the unlawful release of personally  
 1259 identifiable student data under s. 1002.22 or 20 U.S.C. s.

1260 1232g. The school improvement rating shall identify an  
 1261 alternative school ~~schools~~ as having one of the following  
 1262 ratings defined according to rules of the State Board of  
 1263 Education:

1264 (a) "Improving" means a school ~~schools~~ with students  
 1265 making more academic progress than when the students were served  
 1266 in their home schools.

1267 (b) "Maintaining" means a school ~~schools~~ with students  
 1268 making progress equivalent to the progress made when the  
 1269 students were served in their home schools.

1270 (c) "Declining" means a school ~~schools~~ with students  
 1271 making less academic progress than when the students were served  
 1272 in their home schools.

1273  
 1274 The school improvement rating shall be based on a comparison of  
 1275 student performance data for the current year and previous year.  
 1276 Schools that improve at least one level or maintain an  
 1277 "improving" rating under ~~pursuant to~~ this section are eligible  
 1278 for school recognition awards under ~~pursuant to~~ s. 1008.36.

1279 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
 1280 data used in determining an alternative school's school  
 1281 improvement rating shall include:

1282 (b) The aggregate scores of all eligible students who were  
 1283 assigned to and enrolled in the school during the October or  
 1284 February FTE count, who have been assessed on the FCAT,  
 1285 ~~including Florida Writes,~~ and who have scored in the lowest 25th  
 1286 percentile of students in the state on FCAT Reading.

1287

1288 The assessment scores of students who are subject to district  
 1289 school board policies for expulsion for repeated or serious  
 1290 offenses, who are in dropout retrieval programs serving students  
 1291 who have officially been designated as dropouts, or who are in  
 1292 programs operated or contracted by the Department of Juvenile  
 1293 Justice may not be included in an alternative school's school  
 1294 improvement rating.

1295 Section 21. Paragraph (a) of subsection (8) of section  
 1296 1008.345, Florida Statutes, is amended to read:

1297 1008.345 Implementation of state system of school  
 1298 improvement and education accountability.--

1299 (8) As a part of the system of educational accountability,  
 1300 the Department of Education shall:

1301 (a) Develop minimum ~~performance~~ standards for various  
 1302 grades and subject areas, as required in ss. 1001.03, 1008.22,  
 1303 and 1008.34.

1304 Section 22. Subsection (2) of section 1008.36, Florida  
 1305 Statutes, is amended to read:

1306 1008.36 Florida School Recognition Program.--

1307 (2) The Florida School Recognition Program is created to  
 1308 provide financial awards to public schools that:

1309 (a) Sustain high performance by receiving a school grade  
 1310 of "A," making excellent progress; or

1311 (b) Demonstrate exemplary improvement due to innovation  
 1312 and effort by improving at least one a letter grade or by  
 1313 improving more than one letter grade and sustaining the  
 1314 improvement the following school year.

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1316 | Notwithstanding statutory provisions to the contrary, incentive  
1317 | awards are not subject to collective bargaining.

1318 |       Section 23. This act shall take effect July 1, 2008.