

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McBurney offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 19 and 20, insert:

5 Section 1. Sections 2-4 of this act may be cited as the  
6 "Justice Sandra Day O'Connor Civics Education Act."

7 Section 2. Paragraph (a) of subsection (1) of section  
8 1003.4156, Florida Statutes, is amended to read:

9 1003.4156 General requirements for middle grades  
10 promotion.--

11 (1) Beginning with students entering grade 6 in the 2006-  
12 2007 school year, promotion from a school composed of middle  
13 grades 6, 7, and 8 requires that:

14 (a) The student must successfully complete academic  
15 courses as follows:

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Amendment No.

16 1. Three middle school or higher courses in English. These  
17 courses shall emphasize literature, composition, and technical  
18 text.

19 2. Three middle school or higher courses in mathematics.  
20 Each middle school must offer at least one high school level  
21 mathematics course for which students may earn high school  
22 credit.

23 3. Three middle school or higher courses in social  
24 studies, one semester of which must include the study of state  
25 and federal government and civics education. Beginning with  
26 students entering grade 6 in the 2011-2012 school year, one of  
27 these courses must be a one-semester civics education course  
28 that a student successfully completes in accordance with s.  
29 1008.22(3)(c) and that includes the roles and responsibilities  
30 of federal, state, and local governments; the structures and  
31 functions of the legislative, executive, and judicial branches  
32 of government; and the meaning and significance of historic  
33 documents, such as the Articles of Confederation, the  
34 Declaration of Independence, and the Constitution of the United  
35 States.

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

37 5. One course in career and education planning to be  
38 completed in 7th or 8th grade. The course may be taught by any  
39 member of the instructional staff; must include career  
40 exploration using CHOICES for the 21st Century or a comparable  
41 cost-effective program; must include educational planning using  
42 the online student advising system known as Florida Academic  
43 Counseling and Tracking for Students at the Internet website  
018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

44 FACTS.org; and shall result in the completion of a personalized  
45 academic and career plan.

46  
47 Each school must hold a parent meeting either in the evening or  
48 on a weekend to inform parents about the course curriculum and  
49 activities. Each student shall complete an electronic personal  
50 education plan that must be signed by the student; the student's  
51 instructor, guidance counselor, or academic advisor; and the  
52 student's parent. By January 1, 2007, the Department of  
53 Education shall develop course frameworks and professional  
54 development materials for the career exploration and education  
55 planning course. The course may be implemented as a stand-alone  
56 course or integrated into another course or courses. The  
57 Commissioner of Education shall collect longitudinal high school  
58 course enrollment data by student ethnicity in order to analyze  
59 course-taking patterns.

60 Section 3. Paragraph (c) of subsection (3) of section  
61 1008.22, Florida Statutes, is amended to read:

62 1008.22 Student assessment program for public schools.--

63 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
64 design and implement a statewide program of educational  
65 assessment that provides information for the improvement of the  
66 operation and management of the public schools, including  
67 schools operating for the purpose of providing educational  
68 services to youth in Department of Juvenile Justice programs.  
69 The commissioner may enter into contracts for the continued  
70 administration of the assessment, testing, and evaluation  
71 programs authorized and funded by the Legislature. Contracts may  
018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

72 be initiated in 1 fiscal year and continue into the next and may  
73 be paid from the appropriations of either or both fiscal years.  
74 The commissioner is authorized to negotiate for the sale or  
75 lease of tests, scoring protocols, test scoring services, and  
76 related materials developed pursuant to law. Pursuant to the  
77 statewide assessment program, the commissioner shall:

78 (c) Develop and implement a student achievement testing  
79 program known as the Florida Comprehensive Assessment Test  
80 (FCAT) as part of the statewide assessment program to measure a  
81 student's content knowledge and skills in reading, writing,  
82 science, and mathematics. Other content areas may be included as  
83 directed by the commissioner. Comprehensive assessments of  
84 reading and mathematics shall be administered annually in grades  
85 3 through 10. Comprehensive assessments of writing and science  
86 shall be administered at least once at the elementary, middle,  
87 and high school levels. End-of-course assessments for a subject  
88 may be administered in addition to the comprehensive assessments  
89 required for that subject under this paragraph. An end-of-course  
90 assessment must be rigorous, statewide, standardized, and  
91 developed or approved by the department. The content knowledge  
92 and skills assessed by comprehensive and end-of-course  
93 assessments must be aligned to the core curricular content  
94 established in the Sunshine State Standards. During the 2011-  
95 2012 school year, an end-of-course assessment in civics  
96 education shall be administered as a field test at the middle  
97 school level. During the 2012-2013 school year, each student's  
98 performance on the statewide, standardized end-of-course  
99 assessment in civics education shall constitute 30 percent of

018845

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Amendment No.

100 the student's final course grade. Beginning with the 2013-2014  
101 school year, a student must earn a passing score on the end-of-  
102 course assessment in civics education in order to pass the  
103 course and receive course credit. The commissioner may select  
104 one or more nationally developed comprehensive examinations,  
105 which may include, but need not be limited to, examinations for  
106 a College Board Advanced Placement course, International  
107 Baccalaureate course, or Advanced International Certificate of  
108 Education course or industry-approved examinations to earn  
109 national industry certifications as defined in s. 1003.492, for  
110 use as end-of-course assessments under this paragraph, if the  
111 commissioner determines that the content knowledge and skills  
112 assessed by the examinations meet or exceed the grade level  
113 expectations for the core curricular content established for the  
114 course in the Next Generation Sunshine State Standards. The  
115 commissioner may collaborate with the American Diploma Project  
116 in the adoption or development of rigorous end-of-course  
117 assessments that are aligned to the Next Generation Sunshine  
118 State Standards. The testing program must be designed as  
119 follows:

120       1. The tests shall measure student skills and competencies  
121 adopted by the State Board of Education as specified in  
122 paragraph (a). The tests must measure and report student  
123 proficiency levels of all students assessed in reading, writing,  
124 mathematics, and science. The commissioner shall provide for the  
125 tests to be developed or obtained, as appropriate, through  
126 contracts and project agreements with private vendors, public  
127 vendors, public agencies, postsecondary educational

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

128 institutions, or school districts. The commissioner shall obtain  
129 input with respect to the design and implementation of the  
130 testing program from state educators, assistive technology  
131 experts, and the public.

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

137 3. Beginning with the 2008-2009 school year, the  
138 commissioner shall discontinue administration of the selected-  
139 response test items on the comprehensive assessments of writing.  
140 Beginning with the 2012-2013 school year, the comprehensive  
141 assessments of writing shall be composed of a combination of  
142 selected-response test items, short-response performance tasks,  
143 and extended-response performance tasks, which shall measure a  
144 student's content knowledge of writing, including, but not  
145 limited to, paragraph and sentence structure, sentence  
146 construction, grammar and usage, punctuation, capitalization,  
147 spelling, parts of speech, verb tense, irregular verbs, subject-  
148 verb agreement, and noun-pronoun agreement.

149 4. A score shall be designated for each subject area  
150 tested, below which score a student's performance is deemed  
151 inadequate. The school districts shall provide appropriate  
152 remedial instruction to students who score below these levels.

153 5. Except as provided in s. 1003.428(8) (b) or s.  
154 1003.43(11) (b), students must earn a passing score on the grade  
155 10 assessment test described in this paragraph or attain

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

156 concordant scores as described in subsection (10) in reading,  
157 writing, and mathematics to qualify for a standard high school  
158 diploma. The State Board of Education shall designate a passing  
159 score for each part of the grade 10 assessment test. In  
160 establishing passing scores, the state board shall consider any  
161 possible negative impact of the test on minority students. The  
162 State Board of Education shall adopt rules which specify the  
163 passing scores for the grade 10 FCAT. Any such rules, which have  
164 the effect of raising the required passing scores, shall apply  
165 only to students taking the grade 10 FCAT for the first time  
166 after such rules are adopted by the State Board of Education.

167         6. Participation in the testing program is mandatory for  
168 all students attending public school, including students served  
169 in Department of Juvenile Justice programs, except as otherwise  
170 prescribed by the commissioner. If a student does not  
171 participate in the statewide assessment, the district must  
172 notify the student's parent and provide the parent with  
173 information regarding the implications of such nonparticipation.  
174 A parent must provide signed consent for a student to receive  
175 classroom instructional accommodations that would not be  
176 available or permitted on the statewide assessments and must  
177 acknowledge in writing that he or she understands the  
178 implications of such instructional accommodations. The State  
179 Board of Education shall adopt rules, based upon recommendations  
180 of the commissioner, for the provision of test accommodations  
181 for students in exceptional education programs and for students  
182 who have limited English proficiency. Accommodations that negate  
183 the validity of a statewide assessment are not allowable in the

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

184 administration of the FCAT. However, instructional  
185 accommodations are allowable in the classroom if included in a  
186 student's individual education plan. Students using  
187 instructional accommodations in the classroom that are not  
188 allowable as accommodations on the FCAT may have the FCAT  
189 requirement waived pursuant to the requirements of s.  
190 1003.428(8)(b) or s. 1003.43(11)(b).

191 7. A student seeking an adult high school diploma must  
192 meet the same testing requirements that a regular high school  
193 student must meet.

194 8. District school boards must provide instruction to  
195 prepare students to demonstrate proficiency in the core  
196 curricular content established in the Next Generation Sunshine  
197 State Standards adopted under s. 1003.41, including the core  
198 content knowledge and skills necessary for successful grade-to-  
199 grade progression and high school graduation. If a student is  
200 provided with instructional accommodations in the classroom that  
201 are not allowable as accommodations in the statewide assessment  
202 program, as described in the test manuals, the district must  
203 inform the parent in writing and must provide the parent with  
204 information regarding the impact on the student's ability to  
205 meet expected proficiency levels in reading, writing, and  
206 mathematics. The commissioner shall conduct studies as necessary  
207 to verify that the required core curricular content is part of  
208 the district instructional programs.

209 9. District school boards must provide opportunities for  
210 students to demonstrate an acceptable level of performance on an

018845

Approved For Filing: 4/22/2009 4:40:05 PM



Amendment No.

211 alternative standardized assessment approved by the State Board  
212 of Education following enrollment in summer academies.

213 10. The Department of Education must develop, or select,  
214 and implement a common battery of assessment tools that will be  
215 used in all juvenile justice programs in the state. These tools  
216 must accurately measure the core curricular content established  
217 in the Sunshine State Standards.

218 11. For students seeking a special diploma pursuant to s.  
219 1003.438, the Department of Education must develop or select and  
220 implement an alternate assessment tool that accurately measures  
221 the core curricular content established in the Sunshine State  
222 Standards for students with disabilities under s. 1003.438.

223 12. The Commissioner of Education shall establish  
224 schedules for the administration of statewide assessments and  
225 the reporting of student test results. The commissioner shall,  
226 by August 1 of each year, notify each school district in writing  
227 and publish on the department's Internet website the testing and  
228 reporting schedules for, at a minimum, the school year following  
229 the upcoming school year. The testing and reporting schedules  
230 shall require that:

231 a. There is the latest possible administration of  
232 statewide assessments and the earliest possible reporting to the  
233 school districts of student test results which is feasible  
234 within available technology and specific appropriations;  
235 however, test results must be made available no later than the  
236 final day of the regular school year for students.

237 b. Beginning with the 2010-2011 school year, a  
238 comprehensive statewide assessment of writing is not

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

239 administered earlier than the week of March 1 and a  
240 comprehensive statewide assessment of any other subject is not  
241 administered earlier than the week of April 15.

242 c. A statewide standardized end-of-course assessment is  
243 administered within the last 2 weeks of the course.

244

245 The commissioner may, based on collaboration and input from  
246 school districts, design and implement student testing programs,  
247 for any grade level and subject area, necessary to effectively  
248 monitor educational achievement in the state, including the  
249 measurement of educational achievement of the Sunshine State  
250 Standards for students with disabilities. Development and  
251 refinement of assessments shall include universal design  
252 principles and accessibility standards that will prevent any  
253 unintended obstacles for students with disabilities while  
254 ensuring the validity and reliability of the test. These  
255 principles should be applicable to all technology platforms and  
256 assistive devices available for the assessments. The field  
257 testing process and psychometric analyses for the statewide  
258 assessment program must include an appropriate percentage of  
259 students with disabilities and an evaluation or determination of  
260 the effect of test items on such students.

261 Section 4. Paragraph (c) of subsection (3) of section  
262 1008.34, Florida Statutes, is amended to read:

263 1008.34 School grading system; school report cards;  
264 district grade.--

265 (3) DESIGNATION OF SCHOOL GRADES.--

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

266 (c) Student assessment data used in determining school  
267 grades shall include:

268 1. The aggregate scores of all eligible students enrolled  
269 in the school who have been assessed on the FCAT and, beginning  
270 with the 2012-2013 school year, the statewide, standardized end-  
271 of-course assessment in civics education at the middle school  
272 level.

273 2. The aggregate scores of all eligible students enrolled  
274 in the school who have been assessed on the FCAT and who have  
275 scored at or in the lowest 25th percentile of students in the  
276 school in reading, mathematics, or writing, unless these  
277 students are exhibiting satisfactory performance.

278 3. Effective with the 2005-2006 school year, the  
279 achievement scores and learning gains of eligible students  
280 attending alternative schools that provide dropout prevention  
281 and academic intervention services pursuant to s. 1003.53. The  
282 term "eligible students" in this subparagraph does not include  
283 students attending an alternative school who are subject to  
284 district school board policies for expulsion for repeated or  
285 serious offenses, who are in dropout retrieval programs serving  
286 students who have officially been designated as dropouts, or who  
287 are in programs operated or contracted by the Department of  
288 Juvenile Justice. The student performance data for eligible  
289 students identified in this subparagraph shall be included in  
290 the calculation of the home school's grade. As used in this  
291 section and s. 1008.341, the term "home school" means the school  
292 to which the student would be assigned if the student were not  
293 assigned to an alternative school. If an alternative school

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

294 chooses to be graded under this section, student performance  
295 data for eligible students identified in this subparagraph shall  
296 not be included in the home school's grade but shall be included  
297 only in the calculation of the alternative school's grade. A  
298 school district that fails to assign the FCAT scores of each of  
299 its students to his or her home school or to the alternative  
300 school that receives a grade shall forfeit Florida School  
301 Recognition Program funds for 1 fiscal year. School districts  
302 must require collaboration between the home school and the  
303 alternative school in order to promote student success. This  
304 collaboration must include an annual discussion between the  
305 principal of the alternative school and the principal of each  
306 student's home school concerning the most appropriate school  
307 assignment of the student.

308 4. Beginning with the 2009-2010 school year for schools  
309 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
310 11, and 12, the data listed in subparagraphs 1.-3. and the  
311 following data as the Department of Education determines such  
312 data are valid and available:

313 a. The high school graduation rate of the school as  
314 calculated by the Department of Education;

315 b. The participation rate of all eligible students  
316 enrolled in the school and enrolled in College Board Advanced  
317 Placement courses; International Baccalaureate courses; dual  
318 enrollment courses; Advanced International Certificate of  
319 Education courses; and courses or sequence of courses leading to  
320 industry certification, as determined by the Agency for

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

321 Workforce Innovation under s. 1003.492(2) in a career and  
322 professional academy, as described in s. 1003.493;

323 c. The aggregate scores of all eligible students enrolled  
324 in the school in College Board Advanced Placement courses,  
325 International Baccalaureate courses, and Advanced International  
326 Certificate of Education courses;

327 d. Earning of college credit by all eligible students  
328 enrolled in the school in dual enrollment programs under s.  
329 1007.271;

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

333 f. The aggregate scores of all eligible students enrolled  
334 in the school in reading, mathematics, and other subjects as  
335 measured by the SAT, the ACT, and the common placement test for  
336 postsecondary readiness;

337 g. The high school graduation rate of all eligible at-risk  
338 students enrolled in the school who scored at Level 2 or lower  
339 on the grade 8 FCAT Reading and Mathematics examinations;

340 h. The performance of the school's students on statewide  
341 standardized end-of-course assessments administered under s.  
342 1008.22; and

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

345

346 The State Board of Education shall adopt appropriate criteria  
347 for each school grade. The criteria must also give added weight  
348 to student achievement in reading. Schools designated with a  
018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

349 grade of "C," making satisfactory progress, shall be required to  
350 demonstrate that adequate progress has been made by students in  
351 the school who are in the lowest 25th percentile in reading,  
352 mathematics, or writing on the FCAT, unless these students are  
353 exhibiting satisfactory performance. Beginning with the 2009-  
354 2010 school year for schools comprised of high school grades 9,  
355 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
356 school grades must also give added weight to the graduation rate  
357 of all eligible at-risk students, as defined in this paragraph.  
358 Beginning in the 2009-2010 school year, in order for a high  
359 school to be designated as having a grade of "A," making  
360 excellent progress, the school must demonstrate that at-risk  
361 students, as defined in this paragraph, in the school are making  
362 adequate progress.

363  
364  
365 -----  
366 **T I T L E A M E N D M E N T**

367 Remove lines 2-3 and insert:

368 An act relating to education; providing a short title; amending  
369 s. 1003.4156, F.S.; providing requirements for a civics  
370 education course that a student must successfully complete for  
371 middle grades promotion beginning with students entering grade 6  
372 in the 2011-2012 school year; amending s. 1008.22, F.S.;  
373 requiring the administration of an end-of-course assessment in  
374 civics education as a field test at the middle school level  
375 during the 2011-2012 school year; providing requirements for  
376 course grade and course credit for subsequent school years;

018845

Approved For Filing: 4/22/2009 4:40:05 PM

Amendment No.

377 amending s. 1008.34, F.S.; requiring the inclusion of civics  
378 education end-of-course assessment data in determining school  
379 grades beginning with the 2012-2013 school year; creating s.  
380 1003.497, F.S.; requiring the