

1 A bill to be entitled
2 An act relating to public K-12 education; providing a
3 short title; amending s. 1003.4156, F.S.; providing
4 requirements for a civics education course that a student
5 must successfully complete for middle grades promotion
6 beginning with students entering grade 6 in the 2011-2012
7 school year; amending s. 1008.22, F.S.; requiring the
8 administration of an end-of-course assessment in civics
9 education as a field test at the middle school level
10 during the 2011-2012 school year; providing requirements
11 for course grade and course credit for subsequent school
12 years; amending s. 1008.34, F.S.; requiring the inclusion
13 of civics education end-of-course assessment data in
14 determining school grades beginning with the 2012-2013
15 school year; creating s. 1003.497, F.S.; requiring the
16 Department of Education to encourage school districts to
17 initiate, adopt, expand, and institutionalize service-
18 learning programs, activities, and policies in
19 kindergarten through grade 12; defining service learning;
20 providing for department assistance to a school district
21 that chooses to implement service-learning activities;
22 requiring development and adoption of service-learning
23 courses; authorizing service-learning activities to count
24 toward high school graduation or academic award
25 requirements; encouraging school districts to include
26 service learning as part of courses or activities required
27 for high school graduation or receipt of academic awards;
28 amending s. 1008.34, F.S.; revising provisions relating to

29 | schools receiving a school grade; providing an effective
30 | date.

31 |

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

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

36 | Section 2. Paragraph (a) of subsection (1) of section
37 | 1003.4156, Florida Statutes, is amended to read:

38 | 1003.4156 General requirements for middle grades
39 | promotion.--

40 | (1) Beginning with students entering grade 6 in the 2006-
41 | 2007 school year, promotion from a school composed of middle
42 | grades 6, 7, and 8 requires that:

43 | (a) The student must successfully complete academic
44 | courses as follows:

45 | 1. Three middle school or higher courses in English. These
46 | courses shall emphasize literature, composition, and technical
47 | text.

48 | 2. Three middle school or higher courses in mathematics.
49 | Each middle school must offer at least one high school level
50 | mathematics course for which students may earn high school
51 | credit.

52 | 3. Three middle school or higher courses in social
53 | studies, one semester of which must include the study of state
54 | and federal government and civics education. Beginning with
55 | students entering grade 6 in the 2011-2012 school year, one of
56 | these courses must be a one-semester civics education course

57 that a student successfully completes in accordance with s.
58 1008.22(3)(c) and that includes the roles and responsibilities
59 of federal, state, and local governments; the structures and
60 functions of the legislative, executive, and judicial branches
61 of government; and the meaning and significance of historic
62 documents, such as the Articles of Confederation, the
63 Declaration of Independence, and the Constitution of the United
64 States.

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

66 5. One course in career and education planning to be
67 completed in 7th or 8th grade. The course may be taught by any
68 member of the instructional staff; must include career
69 exploration using CHOICES for the 21st Century or a comparable
70 cost-effective program; must include educational planning using
71 the online student advising system known as Florida Academic
72 Counseling and Tracking for Students at the Internet website
73 FACTS.org; and shall result in the completion of a personalized
74 academic and career plan.

75

76 Each school must hold a parent meeting either in the evening or
77 on a weekend to inform parents about the course curriculum and
78 activities. Each student shall complete an electronic personal
79 education plan that must be signed by the student; the student's
80 instructor, guidance counselor, or academic advisor; and the
81 student's parent. By January 1, 2007, the Department of
82 Education shall develop course frameworks and professional
83 development materials for the career exploration and education
84 planning course. The course may be implemented as a stand-alone

85 | course or integrated into another course or courses. The
86 | Commissioner of Education shall collect longitudinal high school
87 | course enrollment data by student ethnicity in order to analyze
88 | course-taking patterns.

89 | Section 3. Paragraph (c) of subsection (3) of section
90 | 1008.22, Florida Statutes, is amended to read:

91 | 1008.22 Student assessment program for public schools.--

92 | (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
93 | design and implement a statewide program of educational
94 | assessment that provides information for the improvement of the
95 | operation and management of the public schools, including
96 | schools operating for the purpose of providing educational
97 | services to youth in Department of Juvenile Justice programs.
98 | The commissioner may enter into contracts for the continued
99 | administration of the assessment, testing, and evaluation
100 | programs authorized and funded by the Legislature. Contracts may
101 | be initiated in 1 fiscal year and continue into the next and may
102 | be paid from the appropriations of either or both fiscal years.
103 | The commissioner is authorized to negotiate for the sale or
104 | lease of tests, scoring protocols, test scoring services, and
105 | related materials developed pursuant to law. Pursuant to the
106 | statewide assessment program, the commissioner shall:

107 | (c) Develop and implement a student achievement testing
108 | program known as the Florida Comprehensive Assessment Test
109 | (FCAT) as part of the statewide assessment program to measure a
110 | student's content knowledge and skills in reading, writing,
111 | science, and mathematics. Other content areas may be included as
112 | directed by the commissioner. Comprehensive assessments of

113 reading and mathematics shall be administered annually in grades
114 3 through 10. Comprehensive assessments of writing and science
115 shall be administered at least once at the elementary, middle,
116 and high school levels. End-of-course assessments for a subject
117 may be administered in addition to the comprehensive assessments
118 required for that subject under this paragraph. An end-of-course
119 assessment must be rigorous, statewide, standardized, and
120 developed or approved by the department. The content knowledge
121 and skills assessed by comprehensive and end-of-course
122 assessments must be aligned to the core curricular content
123 established in the Sunshine State Standards. During the 2011-
124 2012 school year, an end-of-course assessment in civics
125 education shall be administered as a field test at the middle
126 school level. During the 2012-2013 school year, each student's
127 performance on the statewide, standardized end-of-course
128 assessment in civics education shall constitute 30 percent of
129 the student's final course grade. Beginning with the 2013-2014
130 school year, a student must earn a passing score on the end-of-
131 course assessment in civics education in order to pass the
132 course and receive course credit. The commissioner may select
133 one or more nationally developed comprehensive examinations,
134 which may include, but need not be limited to, examinations for
135 a College Board Advanced Placement course, International
136 Baccalaureate course, or Advanced International Certificate of
137 Education course or industry-approved examinations to earn
138 national industry certifications as defined in s. 1003.492, for
139 use as end-of-course assessments under this paragraph, if the
140 commissioner determines that the content knowledge and skills

141 assessed by the examinations meet or exceed the grade level
142 expectations for the core curricular content established for the
143 course in the Next Generation Sunshine State Standards. The
144 commissioner may collaborate with the American Diploma Project
145 in the adoption or development of rigorous end-of-course
146 assessments that are aligned to the Next Generation Sunshine
147 State Standards. The testing program must be designed as
148 follows:

149 1. The tests shall measure student skills and competencies
150 adopted by the State Board of Education as specified in
151 paragraph (a). The tests must measure and report student
152 proficiency levels of all students assessed in reading, writing,
153 mathematics, and science. The commissioner shall provide for the
154 tests to be developed or obtained, as appropriate, through
155 contracts and project agreements with private vendors, public
156 vendors, public agencies, postsecondary educational
157 institutions, or school districts. The commissioner shall obtain
158 input with respect to the design and implementation of the
159 testing program from state educators, assistive technology
160 experts, and the public.

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

166 3. Beginning with the 2008-2009 school year, the
167 commissioner shall discontinue administration of the selected-
168 response test items on the comprehensive assessments of writing.

169 Beginning with the 2012-2013 school year, the comprehensive
170 assessments of writing shall be composed of a combination of
171 selected-response test items, short-response performance tasks,
172 and extended-response performance tasks, which shall measure a
173 student's content knowledge of writing, including, but not
174 limited to, paragraph and sentence structure, sentence
175 construction, grammar and usage, punctuation, capitalization,
176 spelling, parts of speech, verb tense, irregular verbs, subject-
177 verb agreement, and noun-pronoun agreement.

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

182 5. Except as provided in s. 1003.428(8)(b) or s.
183 1003.43(11)(b), students must earn a passing score on the grade
184 10 assessment test described in this paragraph or attain
185 concordant scores as described in subsection (10) in reading,
186 writing, and mathematics to qualify for a standard high school
187 diploma. The State Board of Education shall designate a passing
188 score for each part of the grade 10 assessment test. In
189 establishing passing scores, the state board shall consider any
190 possible negative impact of the test on minority students. The
191 State Board of Education shall adopt rules which specify the
192 passing scores for the grade 10 FCAT. Any such rules, which have
193 the effect of raising the required passing scores, shall apply
194 only to students taking the grade 10 FCAT for the first time
195 after such rules are adopted by the State Board of Education.

196 6. Participation in the testing program is mandatory for
197 all students attending public school, including students served
198 in Department of Juvenile Justice programs, except as otherwise
199 prescribed by the commissioner. If a student does not
200 participate in the statewide assessment, the district must
201 notify the student's parent and provide the parent with
202 information regarding the implications of such nonparticipation.
203 A parent must provide signed consent for a student to receive
204 classroom instructional accommodations that would not be
205 available or permitted on the statewide assessments and must
206 acknowledge in writing that he or she understands the
207 implications of such instructional accommodations. The State
208 Board of Education shall adopt rules, based upon recommendations
209 of the commissioner, for the provision of test accommodations
210 for students in exceptional education programs and for students
211 who have limited English proficiency. Accommodations that negate
212 the validity of a statewide assessment are not allowable in the
213 administration of the FCAT. However, instructional
214 accommodations are allowable in the classroom if included in a
215 student's individual education plan. Students using
216 instructional accommodations in the classroom that are not
217 allowable as accommodations on the FCAT may have the FCAT
218 requirement waived pursuant to the requirements of s.
219 1003.428(8)(b) or s. 1003.43(11)(b).

220 7. A student seeking an adult high school diploma must
221 meet the same testing requirements that a regular high school
222 student must meet.

223 8. District school boards must provide instruction to
224 prepare students to demonstrate proficiency in the core
225 curricular content established in the Next Generation Sunshine
226 State Standards adopted under s. 1003.41, including the core
227 content knowledge and skills necessary for successful grade-to-
228 grade progression and high school graduation. If a student is
229 provided with instructional accommodations in the classroom that
230 are not allowable as accommodations in the statewide assessment
231 program, as described in the test manuals, the district must
232 inform the parent in writing and must provide the parent with
233 information regarding the impact on the student's ability to
234 meet expected proficiency levels in reading, writing, and
235 mathematics. The commissioner shall conduct studies as necessary
236 to verify that the required core curricular content is part of
237 the district instructional programs.

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

242 10. The Department of Education must develop, or select,
243 and implement a common battery of assessment tools that will be
244 used in all juvenile justice programs in the state. These tools
245 must accurately measure the core curricular content established
246 in the Sunshine State Standards.

247 11. For students seeking a special diploma pursuant to s.
248 1003.438, the Department of Education must develop or select and
249 implement an alternate assessment tool that accurately measures

250 the core curricular content established in the Sunshine State
251 Standards for students with disabilities under s. 1003.438.

252 12. The Commissioner of Education shall establish
253 schedules for the administration of statewide assessments and
254 the reporting of student test results. The commissioner shall,
255 by August 1 of each year, notify each school district in writing
256 and publish on the department's Internet website the testing and
257 reporting schedules for, at a minimum, the school year following
258 the upcoming school year. The testing and reporting schedules
259 shall require that:

260 a. There is the latest possible administration of
261 statewide assessments and the earliest possible reporting to the
262 school districts of student test results which is feasible
263 within available technology and specific appropriations;
264 however, test results must be made available no later than the
265 final day of the regular school year for students.

266 b. Beginning with the 2010-2011 school year, a
267 comprehensive statewide assessment of writing is not
268 administered earlier than the week of March 1 and a
269 comprehensive statewide assessment of any other subject is not
270 administered earlier than the week of April 15.

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

273
274 The commissioner may, based on collaboration and input from
275 school districts, design and implement student testing programs,
276 for any grade level and subject area, necessary to effectively
277 monitor educational achievement in the state, including the

278 measurement of educational achievement of the Sunshine State
279 Standards for students with disabilities. Development and
280 refinement of assessments shall include universal design
281 principles and accessibility standards that will prevent any
282 unintended obstacles for students with disabilities while
283 ensuring the validity and reliability of the test. These
284 principles should be applicable to all technology platforms and
285 assistive devices available for the assessments. The field
286 testing process and psychometric analyses for the statewide
287 assessment program must include an appropriate percentage of
288 students with disabilities and an evaluation or determination of
289 the effect of test items on such students.

290 Section 4. Paragraph (c) of subsection (3) of section
291 1008.34, Florida Statutes, is amended to read:

292 1008.34 School grading system; school report cards;
293 district grade.--

294 (3) DESIGNATION OF SCHOOL GRADES.--

295 (c) Student assessment data used in determining school
296 grades shall include:

297 1. The aggregate scores of all eligible students enrolled
298 in the school who have been assessed on the FCAT and, beginning
299 with the 2012-2013 school year, the statewide, standardized end-
300 of-course assessment in civics education at the middle school
301 level.

302 2. The aggregate scores of all eligible students enrolled
303 in the school who have been assessed on the FCAT and who have
304 scored at or in the lowest 25th percentile of students in the

305 school in reading, mathematics, or writing, unless these
306 students are exhibiting satisfactory performance.

307 3. Effective with the 2005-2006 school year, the
308 achievement scores and learning gains of eligible students
309 attending alternative schools that provide dropout prevention
310 and academic intervention services pursuant to s. 1003.53. The
311 term "eligible students" in this subparagraph does not include
312 students attending an alternative school who are subject to
313 district school board policies for expulsion for repeated or
314 serious offenses, who are in dropout retrieval programs serving
315 students who have officially been designated as dropouts, or who
316 are in programs operated or contracted by the Department of
317 Juvenile Justice. The student performance data for eligible
318 students identified in this subparagraph shall be included in
319 the calculation of the home school's grade. As used in this
320 section and s. 1008.341, the term "home school" means the school
321 to which the student would be assigned if the student were not
322 assigned to an alternative school. If an alternative school
323 chooses to be graded under this section, student performance
324 data for eligible students identified in this subparagraph shall
325 not be included in the home school's grade but shall be included
326 only in the calculation of the alternative school's grade. A
327 school district that fails to assign the FCAT scores of each of
328 its students to his or her home school or to the alternative
329 school that receives a grade shall forfeit Florida School
330 Recognition Program funds for 1 fiscal year. School districts
331 must require collaboration between the home school and the
332 alternative school in order to promote student success. This

333 collaboration must include an annual discussion between the
334 principal of the alternative school and the principal of each
335 student's home school concerning the most appropriate school
336 assignment of the student.

337 4. Beginning with the 2009-2010 school year for schools
338 comprised of high school grades 9, 10, 11, and 12, or grades 10,
339 11, and 12, the data listed in subparagraphs 1.-3. and the
340 following data as the Department of Education determines such
341 data are valid and available:

342 a. The high school graduation rate of the school as
343 calculated by the Department of Education;

344 b. The participation rate of all eligible students
345 enrolled in the school and enrolled in College Board Advanced
346 Placement courses; International Baccalaureate courses; dual
347 enrollment courses; Advanced International Certificate of
348 Education courses; and courses or sequence of courses leading to
349 industry certification, as determined by the Agency for
350 Workforce Innovation under s. 1003.492(2) in a career and
351 professional academy, as described in s. 1003.493;

352 c. The aggregate scores of all eligible students enrolled
353 in the school in College Board Advanced Placement courses,
354 International Baccalaureate courses, and Advanced International
355 Certificate of Education courses;

356 d. Earning of college credit by all eligible students
357 enrolled in the school in dual enrollment programs under s.
358 1007.271;

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

362 f. The aggregate scores of all eligible students enrolled
363 in the school in reading, mathematics, and other subjects as
364 measured by the SAT, the ACT, and the common placement test for
365 postsecondary readiness;

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

369 h. The performance of the school's students on statewide
370 standardized end-of-course assessments administered under s.
371 1008.22; and

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

374

375 The State Board of Education shall adopt appropriate criteria
376 for each school grade. The criteria must also give added weight
377 to student achievement in reading. Schools designated with a
378 grade of "C," making satisfactory progress, shall be required to
379 demonstrate that adequate progress has been made by students in
380 the school who are in the lowest 25th percentile in reading,
381 mathematics, or writing on the FCAT, unless these students are
382 exhibiting satisfactory performance. Beginning with the 2009-
383 2010 school year for schools comprised of high school grades 9,
384 10, 11, and 12, or grades 10, 11, and 12, the criteria for
385 school grades must also give added weight to the graduation rate
386 of all eligible at-risk students, as defined in this paragraph.

387 Beginning in the 2009-2010 school year, in order for a high
388 school to be designated as having a grade of "A," making
389 excellent progress, the school must demonstrate that at-risk
390 students, as defined in this paragraph, in the school are making
391 adequate progress.

392 Section 5. Section 1003.497, Florida Statutes, is created
393 to read:

394 1003.497 Service learning.--

395 (1) The Department of Education shall encourage school
396 districts to initiate, adopt, expand, and institutionalize
397 service-learning programs, activities, and policies in
398 kindergarten through grade 12. Service learning refers to a
399 student-centered, research-based teaching and learning strategy
400 that engages students in meaningful service activities in their
401 schools or communities. Service-learning activities are directly
402 tied to academic curricula, standards, and course, district, or
403 state assessments. Service-learning activities foster academic
404 achievement, character development, civic engagement, and career
405 exploration and enable students to apply curriculum content,
406 skills, and behaviors taught in the classroom.

407 (2) Upon request of any school district that chooses to
408 implement service-learning programs, activities, or policies,
409 the department shall provide assistance in locating, leveraging,
410 and utilizing available or alternative financial resources that
411 will assist school districts or teachers desiring to receive
412 training and other resources to develop and administer service-
413 learning programs or activities. School districts are encouraged
414 to include kindergarten through grade 12 service-learning

415 programs and activities in proposals they submit to the
416 department under federal entitlement grants and competitive
417 state and federal grants administered through the department.

418 (3) (a) The department shall develop and adopt elective
419 service-learning courses for inclusion in middle and high school
420 course code directories, which will allow additional
421 opportunities for students to engage in service learning. School
422 districts are encouraged to provide support for the use of
423 service learning at any grade level as an instructional strategy
424 to address appropriate areas of state education standards for
425 student knowledge and performance.

426 (b) The hours that high school students devote to course-
427 based service-learning activities may be counted toward meeting
428 community service requirements for high school graduation and
429 community service requirements for participation in the Florida
430 Bright Futures Scholarship Program. School districts are
431 encouraged to include service learning as part of any course or
432 activity required for high school graduation and to include and
433 accept service-learning activities and hours in requirements for
434 academic awards, especially those awards that currently include
435 community service as a criterion or selection factor.

436 Section 6. Paragraph (a) of subsection (3) of section
437 1008.34, Florida Statutes, is amended to read:

438 1008.34 School grading system; school report cards;
439 district grade.--

440 (3) DESIGNATION OF SCHOOL GRADES.--

441 (a) Each school that has students who are tested and
442 included in the school grading system shall receive a school
443 grade, except as follows:

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

450 2. An alternative school may choose to receive a school
451 grade under this section or a school improvement rating under s.
452 1008.341. For charter schools that meet the definition of an
453 alternative school pursuant to State Board of Education rule,
454 the decision to receive a school grade is the decision of the
455 charter school governing board.

456 3. A school that serves any combination of students in
457 kindergarten through grade 3 which does not receive a school
458 grade because its students are not tested and included in the
459 school grading system shall receive the school grade designation
460 of a K-3 feeder pattern school identified by the Department of
461 Education and verified by the school district. A school feeder
462 pattern exists if at least 60 percent of the students in the
463 school serving a combination of students in kindergarten through
464 grade 3 are scheduled to be assigned to the graded school.

465 Section 7. This act shall take effect July 1, 2009.