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LEGISLATIVE ACTION

Senate

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House

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Senator Sobel moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (3) of section
1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(3) IMPLEMENTATION OPTIONS.—District school boards must
consider, but are not limited to, implementing the following
items in order to meet the constitutional class size maximums
described in subsection (1) and the two-student-per-year
reduction required in subsection (2):



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13 (c)1. Repeal district school board policies that require
14 students to have more than 24 credits to graduate from high
15 school.

16 2. Adopt policies to allow students to graduate from high
17 school as soon as they pass the end-of-course assessments, grade
18 ~~10 FCAT~~ and complete the courses, which are required for high
19 school graduation.

20 Section 2. Subsections (1) and (2), paragraph (b) of
21 subsection (4), and subsections (5) through (11) of section
22 1003.428, Florida Statutes, are amended to read:

23 1003.428 General requirements for high school graduation;
24 revised.—

25 (1) Except as otherwise authorized pursuant to s. 1003.429,
26 beginning with students entering their first year of high school
27 in the 2007-2008 school year, graduation requires the successful
28 completion of a minimum of 24 credits, an International
29 Baccalaureate curriculum, or an Advanced International
30 Certificate of Education curriculum. Students must be advised of
31 the Advanced Placement, International Baccalaureate, Advanced
32 International Certificate of Education, and dual enrollment
33 courses available, as well as the availability of course
34 offerings through the Florida Virtual School. Students must also
35 be advised of eligibility requirements for state scholarship
36 programs and postsecondary admissions.

37 (2) The 24 credits may be earned through applied,
38 integrated, and combined courses approved by the Department of
39 Education and shall be distributed as follows:

40 (a) Sixteen core curriculum credits:

41 1. Four credits in English, with major concentration in



42 composition, reading for information, and literature.

43 2. Four credits in mathematics, one of which must be
44 Algebra I, a series of courses equivalent to Algebra I, or a
45 higher-level mathematics course. Beginning with students
46 entering grade 9 in the 2010-2011 school year, one of the four
47 credits must be Algebra I or a series of courses equivalent to
48 Algebra I as approved by the State Board of Education, and one
49 credit must be geometry or a series of courses equivalent to
50 geometry as approved by the State Board of Education. Beginning
51 with students entering grade 9 in the 2012-2013 school year, one
52 of the four credits must be Algebra I or a series of courses
53 equivalent to Algebra I as approved by the State Board of
54 Education, one credit must be geometry or a series of courses
55 equivalent to geometry as approved by the State Board of
56 Education, and one credit must be Algebra II or a series of
57 courses equivalent to Algebra II as approved by the State Board
58 of Education. School districts are encouraged to set specific
59 goals to increase enrollments in, and successful completion of,
60 geometry and Algebra II.

61 3. Three credits in science, two of which must have a
62 laboratory component. Beginning with students entering grade 9
63 in the 2010-2011 school year, one of the three credits must be
64 Biology I or a series of courses equivalent to Biology I as
65 approved by the State Board of Education, one credit must be a
66 physical science or a series of courses equivalent to a physical
67 science as approved by the State Board of Education, and one
68 credit must be a higher-level science course. At least two of
69 the science courses must have a laboratory component.
70 Agriscience Foundations I, the core course in secondary



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71 Agriscience and Natural Resources programs, may count as the
72 third required science credit. Beginning with students entering
73 grade 9 in the 2012-2013 school year, one of the three credits
74 must be Biology I or a series of courses equivalent to Biology I
75 as approved by the State Board of Education, one credit must be
76 chemistry or a series of courses equivalent to chemistry as
77 approved by the State Board of Education, and one credit must be
78 a higher-level science course. At least two of the science
79 courses must have a laboratory component. Agriscience
80 Foundations I, the core course in secondary Agriscience and
81 Natural Resources programs, may count as the third required
82 science credit.

83 4. Three credits in social studies as follows: one credit
84 in American history; one credit in world history; one-half
85 credit in economics; and one-half credit in American government.

86 5. One credit in fine or performing arts, speech and
87 debate, or a practical arts course that incorporates artistic
88 content and techniques of creativity, interpretation, and
89 imagination. Eligible practical arts courses shall be identified
90 through the Course Code Directory.

91 6. One credit in physical education to include integration
92 of health. Participation in an interscholastic sport at the
93 junior varsity or varsity level for two full seasons shall
94 satisfy the one-credit requirement in physical education if the
95 student passes a competency test on personal fitness with a
96 score of "C" or better. The competency test on personal fitness
97 must be developed by the Department of Education. A district
98 school board may not require that the one credit in physical
99 education be taken during the 9th grade year. Completion of one



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100 semester with a grade of "C" or better in a marching band class,
101 in a physical activity class that requires participation in
102 marching band activities as an extracurricular activity, or in a
103 dance class shall satisfy one-half credit in physical education
104 or one-half credit in performing arts. This credit may not be
105 used to satisfy the personal fitness requirement or the
106 requirement for adaptive physical education under an individual
107 education plan (IEP) or 504 plan. Completion of 2 years in a
108 Reserve Officer Training Corps (R.O.T.C.) class, a significant
109 component of which is drills, shall satisfy the one-credit
110 requirement in physical education and the one-credit requirement
111 in performing arts. This credit may not be used to satisfy the
112 personal fitness requirement or the requirement for adaptive
113 physical education under an individual education plan (IEP) or
114 504 plan.

115 (b) Eight credits in majors, minors, or electives:

116 1. Four credits in a major area of interest, such as
117 sequential courses in a career and technical program, fine and
118 performing arts, or academic content area, selected by the
119 student as part of the education plan required by s. 1003.4156.
120 Students may revise major areas of interest each year as part of
121 annual course registration processes and should update their
122 education plan to reflect such revisions. Annually by October 1,
123 the district school board shall approve major areas of interest
124 and submit the list of majors to the Commissioner of Education
125 for approval. Each major area of interest shall be deemed
126 approved unless specifically rejected by the commissioner within
127 60 days. Upon approval, each district's major areas of interest
128 shall be available for use by all school districts and shall be



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129 posted on the department's website.

130 2. Four credits in elective courses selected by the student
131 as part of the education plan required by s. 1003.4156. These
132 credits may be combined to allow for a second major area of
133 interest pursuant to subparagraph 1., a minor area of interest,
134 elective courses, or intensive reading or mathematics
135 intervention courses as described in this subparagraph.

136 a. Minor areas of interest are composed of three credits
137 selected by the student as part of the education plan required
138 by s. 1003.4156 and approved by the district school board.

139 b. Elective courses are selected by the student in order to
140 pursue a complete education program as described in s.
141 1001.41(3) and to meet eligibility requirements for
142 scholarships.

143 c. For each year in which a student scores below the
144 passing score on the reading portion of a language arts end-of-
145 course assessment required for high school graduation at Level 1
146 on FCAT Reading, the student must be enrolled in and complete an
147 intensive reading course the following year. Placement of such
148 students Level 2 readers in either an intensive reading course
149 or a content area course in which reading strategies are
150 delivered shall be determined by diagnosis of reading needs. The
151 department shall provide guidance on appropriate strategies for
152 diagnosing and meeting the varying instructional needs of
153 students reading below grade level. Reading courses shall be
154 designed and offered pursuant to the comprehensive reading plan
155 required by s. 1011.62(9).

156 d. For each year in which a student scores below the
157 passing score at Level 1 or Level 2 on a FCAT mathematics end-



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158 of-course assessment required for high school graduation, the
159 student must receive remediation the following year. These
160 courses may be taught through applied, integrated, or combined
161 courses and are subject to approval by the department for
162 inclusion in the Course Code Directory.

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

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

167 (b) Earning passing scores on the end-of-course assessments
168 required for high school graduation ~~FCAT, as defined in~~
169 accordance with s. 1008.22(3)(c), ~~or scores on a standardized~~
170 ~~test that are concordant with passing scores on the FCAT as~~
171 ~~defined in s. 1008.22(10).~~

172
173 Each district school board shall adopt policies designed to
174 assist students in meeting the requirements of this subsection.
175 These policies may include, but are not limited to: forgiveness
176 policies, summer school or before or after school attendance,
177 special counseling, volunteers or peer tutors, school-sponsored
178 help sessions, homework hotlines, and study skills classes.
179 Forgiveness policies for required courses shall be limited to
180 replacing a grade of "D" or "F," or the equivalent of a grade of
181 "D" or "F," with a grade of "C" or higher, or the equivalent of
182 a grade of "C" or higher, earned subsequently in the same or
183 comparable course. Forgiveness policies for elective courses
184 shall be limited to replacing a grade of "D" or "F," or the
185 equivalent of a grade of "D" or "F," with a grade of "C" or
186 higher, or the equivalent of a grade of "C" or higher, earned



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187 subsequently in another course. The only exception to these
188 forgiveness policies shall be made for a student in the middle
189 grades who takes any high school course for high school credit
190 and earns a grade of "C," "D," or "F" or the equivalent of a
191 grade of "C," "D," or "F." In such case, the district
192 forgiveness policy must allow the replacement of the grade with
193 a grade of "C" or higher, or the equivalent of a grade of "C" or
194 higher, earned subsequently in the same or comparable course. In
195 all cases of grade forgiveness, only the new grade shall be used
196 in the calculation of the student's grade point average. Any
197 course grade not replaced according to a district school board
198 forgiveness policy shall be included in the calculation of the
199 cumulative grade point average required for graduation.

200 ~~(5) The State Board of Education, after a public hearing~~
201 ~~and consideration, shall adopt rules based upon the~~
202 ~~recommendations of the commissioner for the provision of test~~
203 ~~accommodations and modifications of procedures as necessary for~~
204 ~~students with disabilities which will demonstrate the student's~~
205 ~~abilities rather than reflect the student's impaired sensory,~~
206 ~~manual, speaking, or psychological process skills.~~

207 ~~(6) The public hearing and consideration required in~~
208 ~~subsection (5) shall not be construed to amend or nullify the~~
209 ~~requirements of security relating to the contents of~~
210 ~~examinations or assessment instruments and related materials or~~
211 ~~data as prescribed in s. 1008.23.~~

212 (5) ~~(7)~~(a) A student who meets all requirements prescribed
213 in subsections (1), (2), (3), and (4) shall be awarded a
214 standard diploma in a form prescribed by the State Board of
215 Education.



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216 (b) A student who completes the minimum number of credits
217 and other requirements prescribed by subsections (1), (2), and
218 (3), but who is unable to meet the standards of paragraph
219 (4) (b), paragraph (4) (c), or paragraph (4) (d), shall be awarded
220 a certificate of completion in a form prescribed by the State
221 Board of Education. However, any student who is otherwise
222 entitled to a certificate of completion may elect to remain in
223 the secondary school either as a full-time student or a part-
224 time student for up to 1 additional year and receive special
225 instruction designed to remedy his or her identified
226 deficiencies.

227 ~~(8) (a) Each district school board must provide instruction~~
228 ~~to prepare students with disabilities to demonstrate proficiency~~
229 ~~in the core content knowledge and skills necessary for~~
230 ~~successful grade-to-grade progression and high school~~
231 ~~graduation.~~

232 ~~(b) A student with a disability, as defined in s.~~
233 ~~1007.02(2), for whom the individual education plan (IEP)~~
234 ~~committee determines that the FCAT cannot accurately measure the~~
235 ~~student's abilities taking into consideration all allowable~~
236 ~~accommodations, shall have the FCAT requirement of paragraph~~
237 ~~(4) (b) waived for the purpose of receiving a standard high~~
238 ~~school diploma, if the student:~~

239 ~~1. Completes the minimum number of credits and other~~
240 ~~requirements prescribed by subsections (1), (2), and (3).~~

241 ~~2. Does not meet the requirements of paragraph (4) (b) after~~
242 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

243 ~~(9) The Commissioner of Education may award a standard high~~
244 ~~school diploma to honorably discharged veterans who started high~~



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245 ~~school between 1937 and 1946 and were scheduled to graduate~~
246 ~~between 1941 and 1950 but were inducted into the United States~~
247 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
248 ~~prior to completing the necessary high school graduation~~
249 ~~requirements. Upon the recommendation of the commissioner, the~~
250 ~~State Board of Education may develop criteria and guidelines for~~
251 ~~awarding such diplomas.~~

252 ~~(10) The Commissioner of Education may award a standard~~
253 ~~high school diploma to honorably discharged veterans who started~~
254 ~~high school between 1946 and 1950 and were scheduled to graduate~~
255 ~~between 1950 and 1954, but were inducted into the United States~~
256 ~~Armed Forces between June 27, 1950, and January 31, 1955, and~~
257 ~~served during the Korean Conflict prior to completing the~~
258 ~~necessary high school graduation requirements. Upon the~~
259 ~~recommendation of the commissioner, the State Board of Education~~
260 ~~may develop criteria and guidelines for awarding such diplomas.~~

261 ~~(6)(11)~~ The State Board of Education may adopt rules
262 pursuant to ss. 120.536(1) and 120.54 to implement the
263 provisions of this section and may enforce the provisions of
264 this section pursuant to s. 1008.32.

265 Section 3. Section 1003.4282, Florida Statutes, is created
266 to read:

267 1003.4282 Accommodations for students with disabilities;
268 graduation requirements.—For purposes of high school graduation:

269 (1) The State Board of Education, after a public hearing
270 and consideration, shall adopt rules based upon the
271 recommendations of the Commissioner of Education for the
272 provision of test accommodations as necessary for students with
273 disabilities which will demonstrate the student's abilities



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274 rather than reflect the student's impaired sensory, manual,
275 speaking, or psychological process skills.

276 (2) The public hearing and consideration required in
277 subsection (1) shall not be construed to amend or nullify the
278 requirements of security relating to the contents of
279 examinations or assessment instruments and related materials or
280 data as prescribed in s. 1008.23.

281 (3) (a) Each district school board must provide instruction
282 to prepare students with disabilities to demonstrate proficiency
283 in the core content knowledge and skills necessary for
284 successful grade-to-grade progression and high school
285 graduation.

286 (b) A student with a disability, as defined in s.
287 1007.02(2), for whom the individual education plan committee
288 determines that an end-of-course assessment cannot accurately
289 measure the student's abilities taking into consideration all
290 allowable accommodations, shall have the end-of-course
291 assessment requirement of s. 1003.428(4)(b) or s. 1003.43(5)(a)
292 waived for the purpose of receiving a high school diploma, if
293 the student:

294 1. Completes the minimum number of credits and other
295 requirements prescribed in s. 1003.428(1)-(3) or s. 1003.43(1)
296 and (4).

297 2. Does not meet the end-of-course assessment requirements
298 of s. 1003.428(4)(b) or s. 1003.43(5)(a) after one opportunity
299 in grade 10 and one opportunity in grade 11.

300 Section 4. Section 1003.4286, Florida Statutes, is created
301 to read:

302 1003.4286 Graduation Exit Option Program; alternative



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303 diploma.-

304 (1) There is created the Graduation Exit Option Program
305 under which a high school student shall be awarded an
306 alternative diploma. To be eligible to participate in the
307 program, a high school student must:

308 (a) Be at least 16 years old.

309 (b) Be enrolled in high school courses that meet high
310 school graduation requirements.

311 (c) Be at risk of failing to graduate.

312 (d) Meet criteria developed by the Department of Education
313 to ensure that the program is not used as a means for early
314 graduation and to target students who have the ability to pass
315 the end-of-course assessments required for high school
316 graduation and the general educational development (GED) test.

317 (2) To receive an alternative diploma under the Graduation
318 Exit Option Program, a high school student must:

319 (a) Meet minimum reading levels and earn minimum scores on
320 GED practice tests, as established by the department.

321 (b) Earn passing scores on the language arts and
322 mathematics end-of-course assessments required for high school
323 graduation in accordance with s. 1008.22(3)(c).

324 (c) Pass each of the five sections of the GED test.

325 (d) Earn at least 14 credits toward high school graduation,
326 at least 8 of which are earned in English, reading, mathematics,
327 science, or social studies.

328 (3) An alternative diploma awarded under this section may
329 not be used for calculating graduation rates for any purpose.

330 (4) The department shall design the alternative diploma to
331 distinguish the diploma from a standard diploma.



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332 (5) The State Board of Education shall adopt rules pursuant
333 to ss. 120.536(1) and 120.54 to implement this section.

334 Section 5. Section 1003.4287, Florida Statutes, is created
335 to read:

336 1003.4287 Recognition of veterans; high school diploma.—

337 (1) The Commissioner of Education may award a standard high
338 school diploma to honorably discharged veterans who started high
339 school between 1937 and 1946 and were scheduled to graduate
340 between 1941 and 1950 but were inducted into the United States
341 Armed Forces between September 16, 1940, and December 31, 1946,
342 prior to completing the necessary high school graduation
343 requirements. Upon the recommendation of the commissioner, the
344 State Board of Education may develop criteria and guidelines for
345 awarding such diplomas.

346 (2) The Commissioner of Education may award a standard high
347 school diploma to honorably discharged veterans who started high
348 school between 1946 and 1950 and were scheduled to graduate
349 between 1949 and 1955 but were inducted into the United States
350 Armed Forces between June 1949 and January 1955 and served
351 during the Korean War prior to completing the necessary high
352 school graduation requirements. Upon the recommendation of the
353 commissioner, the State Board of Education may develop criteria
354 and guidelines for awarding such diplomas.

355 Section 6. Paragraph (b) of subsection (1) and paragraph
356 (c) of subsection (8) of section 1003.429, Florida Statutes, are
357 amended to read:

358 1003.429 Accelerated high school graduation options.—

359 (1) Students who enter grade 9 in the 2006-2007 school year
360 and thereafter may select, upon receipt of each consent required



361 by this section, one of the following three high school
362 graduation options:

363 (b) Completion of a 3-year standard college preparatory
364 program requiring successful completion of a minimum of 18
365 academic credits in grades 9 through 12. At least 6 of the 18
366 credits required for completion of this program must be received
367 in classes that are offered pursuant to the International
368 Baccalaureate Program, the Advanced Placement Program, dual
369 enrollment, or the Advanced International Certificate of
370 Education Program, or specifically listed or identified by the
371 Department of Education as rigorous pursuant to s. 1009.531(3).
372 Students must be advised of the Advanced Placement,
373 International Baccalaureate, Advanced International Certificate
374 of Education, and dual enrollment courses available, as well as
375 the availability of course offerings through the Florida Virtual
376 School. The 18 credits required for completion of this program
377 shall be primary requirements and shall be distributed as
378 follows:

379 1. Four credits in English, with major concentration in
380 composition and literature;

381 2. Three credits in mathematics at the Algebra I level or
382 higher from the list of courses that qualify for state
383 university admission;

384 3. Three credits in natural science, two of which must have
385 a laboratory component;

386 4. Three credits in social sciences, which must include one
387 credit in American history, one credit in world history, one-
388 half credit in American government, and one-half credit in
389 economics;



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390 5. Two credits in the same second language unless the
391 student is a native speaker of or can otherwise demonstrate
392 competency in a language other than English. If the student
393 demonstrates competency in another language, the student may
394 replace the language requirement with two credits in other
395 academic courses; and

396 6. Three credits in electives; or

397

398 Any student who selected an accelerated graduation program
399 before July 1, 2004, may continue that program, and all
400 statutory program requirements that were applicable when the
401 student made the program choice shall remain applicable to the
402 student as long as the student continues that program.

403 (8) A student who selected one of the accelerated 3-year
404 graduation options shall automatically move to the 4-year
405 program set forth in s. 1003.43 if the student:

406 (c) Does not achieve passing scores ~~a score of 3 or higher~~
407 on the writing portions of the language arts end-of-course
408 assessments required for high school graduation in accordance
409 with s. 1008.22(3)(c) grade 10 FCAT Writing assessment; or

410 Section 7. Paragraph (a) of subsection (5) and subsections
411 (8) through (13) of section 1003.43, Florida Statutes, are
412 amended to read:

413 1003.43 General requirements for high school graduation.—

414 (5) Each district school board shall establish standards
415 for graduation from its schools, and these standards must
416 include:

417 (a) Earning passing scores on the end-of-course assessments
418 required for high school graduation ~~FCAT, as defined in~~



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419 ~~accordance with s. 1008.22(3)(c), or scores on a standardized~~
420 ~~test that are concordant with passing scores on the FCAT as~~
421 ~~defined in s. 1008.22(10).~~

422
423 The standards required in this subsection, and any subsequent
424 modifications, shall be reprinted in the Florida Administrative
425 Code even though not defined as "rules."

426 ~~(8) The State Board of Education, after a public hearing~~
427 ~~and consideration, shall adopt rules based upon the~~
428 ~~recommendations of the commissioner for the provision of test~~
429 ~~accommodations and modifications of procedures as necessary for~~
430 ~~students with disabilities which will demonstrate the student's~~
431 ~~abilities rather than reflect the student's impaired sensory,~~
432 ~~manual, speaking, or psychological process skills.~~

433 ~~(9) The public hearing and consideration required in~~
434 ~~subsection (8) shall not be construed to amend or nullify the~~
435 ~~requirements of security relating to the contents of~~
436 ~~examinations or assessment instruments and related materials or~~
437 ~~data as prescribed in s. 1008.23.~~

438 (8) ~~(10)~~ (a) A student who meets all requirements prescribed
439 in subsections (1), (4), and (5) shall be awarded a standard
440 diploma in a form prescribed by the State Board of Education. A
441 district school board may attach the Florida gold seal career
442 endorsement to a standard diploma or, instead of the standard
443 diploma, award differentiated diplomas to those exceeding the
444 prescribed minimums.

445 (b) A student who completes the minimum number of credits
446 and other requirements prescribed by subsections (1) and (4),
447 but who is unable to meet the standards of paragraph (5)(a),



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448 paragraph (5) (b), or paragraph (5) (c), shall be awarded a
449 certificate of completion in a form prescribed by the State
450 Board of Education. However, any student who is otherwise
451 entitled to a certificate of completion may elect to remain in
452 the secondary school either as a full-time student or a part-
453 time student for up to 1 additional year and receive special
454 instruction designed to remedy his or her identified
455 deficiencies.

456 ~~(11) (a) Each district school board must provide instruction~~
457 ~~to prepare students with disabilities to demonstrate proficiency~~
458 ~~in the core content knowledge and skills necessary for~~
459 ~~successful grade-to-grade progression and high school~~
460 ~~graduation.~~

461 ~~(b) A student with a disability, as defined in s.~~
462 ~~1007.02(2), for whom the individual educational plan (IEP)~~
463 ~~committee determines that the FCAT cannot accurately measure the~~
464 ~~student's abilities taking into consideration all allowable~~
465 ~~accommodations, shall have the FCAT requirement of paragraph~~
466 ~~(5) (a) waived for the purpose of receiving a standard high~~
467 ~~school diploma, if the student:~~

468 ~~1. Completes the minimum number of credits and other~~
469 ~~requirements prescribed by subsections (1) and (4).~~

470 ~~2. Does not meet the requirements of paragraph (5) (a) after~~
471 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

472 ~~(12) The Commissioner of Education may award a standard~~
473 ~~high school diploma to honorably discharged veterans who started~~
474 ~~high school between 1937 and 1946 and were scheduled to graduate~~
475 ~~between 1941 and 1950 but were inducted into the United States~~
476 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~



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477 ~~prior to completing the necessary high school graduation~~
478 ~~requirements. Upon the recommendation of the commissioner, the~~
479 ~~State Board of Education may develop criteria and guidelines for~~
480 ~~awarding such diplomas.~~

481 ~~(13) The Commissioner of Education may award a standard~~
482 ~~high school diploma to honorably discharged veterans who started~~
483 ~~high school between 1946 and 1950 and were scheduled to graduate~~
484 ~~between 1949 and 1955, but were inducted into the United States~~
485 ~~Armed Forces between June 1949 and January 1955, and served~~
486 ~~during the Korean War prior to completing the necessary high~~
487 ~~school graduation requirements. Upon the recommendation of the~~
488 ~~commissioner, the State Board of Education may develop criteria~~
489 ~~and guidelines for awarding such diplomas.~~

490 Section 8. Section 1003.433, Florida Statutes, is amended
491 to read:

492 1003.433 Learning opportunities for out-of-state and out-
493 of-country transfer students and students needing additional
494 instruction to meet high school graduation requirements.-

495 (1) Students who enter a Florida public school at the
496 eleventh or twelfth grade from out of state or from a foreign
497 country shall not be required to spend additional time in a
498 Florida public school in order to meet the high school course
499 requirements if the student has met all requirements of the
500 school district, state, or country from which he or she is
501 transferring. Such students who are not proficient in English
502 should receive immediate and intensive instruction in English
503 language acquisition. However, to receive a standard high school
504 diploma, a transfer student must earn a 2.0 grade point average
505 and pass the end-of-course assessments required for high school



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506 graduation in accordance with s. 1008.22(3)(c) ~~grade 10 FCAT~~
507 ~~required in s. 1008.22(3) or an alternate assessment as~~
508 ~~described in s. 1008.22(10).~~

509 (2) Students who have met all requirements for the standard
510 high school diploma except for passage of the end-of-course
511 assessments required for high school graduation ~~grade 10 FCAT or~~
512 ~~an alternate assessment by the end of grade 12~~ must be provided
513 the following learning opportunities:

514 (a) Participation in an accelerated high school equivalency
515 diploma preparation program during the summer.

516 (b) Upon receipt of a certificate of completion, be allowed
517 to take the College Placement Test and be admitted to remedial
518 or credit courses at a state community college, as appropriate.

519 (c) Participation in an adult general education program as
520 provided in s. 1004.93 for such time as the student requires to
521 master English, reading, mathematics, or any other subject
522 required for high school graduation. Students attending adult
523 basic, adult secondary, or vocational-preparatory instruction
524 are exempt from any requirement for the payment of tuition and
525 fees, including lab fees, pursuant to s. 1009.25. A student
526 attending an adult general education program shall have the
527 opportunity to take the end-of-course assessments required for
528 high school graduation ~~grade 10 FCAT~~ an unlimited number of
529 times in order to receive a standard high school diploma.

530 (3) Students who have been enrolled in an ESOL program for
531 less than 2 school years and have met all requirements for the
532 standard high school diploma except for passage of the end-of-
533 course assessments required for high school graduation ~~grade 10~~
534 ~~FCAT or alternate assessment~~ may receive immersion English



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535 language instruction during the summer following their senior
536 year. Students receiving such instruction are eligible to take
537 the FCAT or alternate assessment and receive a standard high
538 school diploma upon passage of the grade 10 FCAT or the
539 alternate assessment. This subsection shall be implemented to
540 the extent funding is provided in the General Appropriations
541 Act.

542 (4) The district school superintendent shall be responsible
543 for notifying all students of the consequences of failure to
544 receive a standard high school diploma, including the potential
545 ineligibility for financial assistance at postsecondary
546 educational institutions.

547 (5) The State Board of Education may adopt rules pursuant
548 to ss. 120.536(1) and 120.54 to administer this section.

549 Section 9. Subsection (4) of section 1007.263, Florida
550 Statutes, is amended to read:

551 1007.263 Community colleges; admissions of students.—Each
552 community college board of trustees is authorized to adopt rules
553 governing admissions of students subject to this section and
554 rules of the State Board of Education. These rules shall include
555 the following:

556 (4) A student who has been awarded a special diploma as
557 defined in s. 1003.438 or a certificate of completion as defined
558 in s. 1003.43(8) ~~(10)~~ is eligible to enroll in certificate career
559 education programs.

560
561 Each board of trustees shall establish policies that notify
562 students about, and place students into, adult basic education,
563 adult secondary education, or other instructional programs that



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564 provide students with alternatives to traditional college-
565 preparatory instruction, including private provider instruction.
566 A student is prohibited from enrolling in additional college-
567 level courses until the student scores above the cut-score on
568 all sections of the common placement test.

569 Section 10. Subsections (11) and (12) of section 1008.22,
570 Florida Statutes, are renumbered as subsections (10) and (11),
571 respectively, and paragraph (c) of subsection (3) and present
572 subsection (10) of that section are amended to read:

573 1008.22 Student assessment program for public schools.—

574 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
575 design and implement a statewide program of educational
576 assessment that provides information for the improvement of the
577 operation and management of the public schools, including
578 schools operating for the purpose of providing educational
579 services to youth in Department of Juvenile Justice programs.
580 The commissioner may enter into contracts for the continued
581 administration of the assessment, testing, and evaluation
582 programs authorized and funded by the Legislature. Contracts may
583 be initiated in 1 fiscal year and continue into the next and may
584 be paid from the appropriations of either or both fiscal years.
585 The commissioner is authorized to negotiate for the sale or
586 lease of tests, scoring protocols, test scoring services, and
587 related materials developed pursuant to law. Pursuant to the
588 statewide assessment program, the commissioner shall:

589 (c) Develop and implement a student achievement testing
590 program known as the Florida Comprehensive Assessment Test
591 (FCAT) as part of the statewide assessment program to measure a
592 student's content knowledge and skills in reading, writing,



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593 science, and mathematics. Other content areas may be included as
594 directed by the commissioner. Comprehensive assessments of
595 reading and mathematics shall be administered annually in grades
596 3 through 10. Comprehensive assessments of writing and science
597 shall be administered at least once at the elementary, middle,
598 and high school levels. End-of-course assessments for a subject
599 may be administered in addition to the comprehensive assessments
600 required for that subject under this paragraph. An end-of-course
601 assessment must be rigorous, statewide, standardized, and
602 developed or approved by the department. The content knowledge
603 and skills assessed by comprehensive and end-of-course
604 assessments must be aligned to the core curricular content
605 established in the Sunshine State Standards. The commissioner
606 may select one or more nationally developed comprehensive
607 examinations, which may include, but need not be limited to,
608 examinations for a College Board Advanced Placement course,
609 International Baccalaureate course, or Advanced International
610 Certificate of Education course or industry-approved
611 examinations to earn national industry certifications as defined
612 in s. 1003.492, for use as end-of-course assessments under this
613 paragraph, if the commissioner determines that the content
614 knowledge and skills assessed by the examinations meet or exceed
615 the grade level expectations for the core curricular content
616 established for the course in the Next Generation Sunshine State
617 Standards. The commissioner may collaborate with the American
618 Diploma Project in the adoption or development of rigorous end-
619 of-course assessments that are aligned to the Next Generation
620 Sunshine State Standards. The testing program must be designed
621 as follows:



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622 1. The tests shall measure student skills and competencies
623 adopted by the State Board of Education as specified in
624 paragraph (a). The tests must measure and report student
625 proficiency levels of all students assessed in reading, writing,
626 mathematics, and science. The commissioner shall provide for the
627 tests to be developed or obtained, as appropriate, through
628 contracts and project agreements with private vendors, public
629 vendors, public agencies, postsecondary educational
630 institutions, or school districts. The commissioner shall obtain
631 input with respect to the design and implementation of the
632 testing program from state educators, assistive technology
633 experts, and the public.

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

639 3. Beginning with the 2008-2009 school year, the
640 commissioner shall discontinue administration of the selected-
641 response test items on the comprehensive assessments of writing.
642 Beginning with the 2012-2013 school year, the comprehensive
643 assessments of writing shall be composed of a combination of
644 selected-response test items, short-response performance tasks,
645 and extended-response performance tasks, which shall measure a
646 student's content knowledge of writing, including, but not
647 limited to, paragraph and sentence structure, sentence
648 construction, grammar and usage, punctuation, capitalization,
649 spelling, parts of speech, verb tense, irregular verbs, subject-
650 verb agreement, and noun-pronoun agreement.



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

655 5. Except as provided in s. 1003.4282 ~~1003.428(8)(b) or s.~~
656 ~~1003.43(11)(b)~~, students must earn a passing score on end-of-
657 course assessments being developed and phased in by the
658 department ~~the grade 10 assessment test described in this~~
659 ~~paragraph or attain concordant scores as described in subsection~~
660 ~~(10) in language arts reading, writing, and mathematics to~~
661 qualify for a standard high school diploma. The State Board of
662 Education shall designate a passing score for each end-of-course
663 part of the grade 10 assessment, including passing scores for
664 the reading and writing portions of the language arts
665 assessments test. In establishing passing scores, the state
666 board shall consider any possible negative impact of the
667 assessments test on minority students. ~~The State Board of~~
668 ~~Education shall adopt rules which specify the passing scores for~~
669 ~~the grade 10 FCAT. Any such rules, which have the effect of~~
670 ~~raising the required passing scores, shall apply only to~~
671 ~~students taking the grade 10 FCAT for the first time after such~~
672 ~~rules are adopted by the State Board of Education.~~

673 6. Participation in the testing program is mandatory for
674 all students attending public school, including students served
675 in Department of Juvenile Justice programs, except as otherwise
676 prescribed by the commissioner. If a student does not
677 participate in the statewide assessment, the district must
678 notify the student's parent and provide the parent with
679 information regarding the implications of such nonparticipation.



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680 A parent must provide signed consent for a student to receive
681 classroom instructional accommodations that would not be
682 available or permitted on the statewide assessments and must
683 acknowledge in writing that he or she understands the
684 implications of such instructional accommodations. The State
685 Board of Education shall adopt rules, based upon recommendations
686 of the commissioner, for the provision of test accommodations
687 for students in exceptional education programs and for students
688 who have limited English proficiency. Accommodations that negate
689 the validity of a statewide assessment are not allowable in the
690 administration of the FCAT. However, instructional
691 accommodations are allowable in the classroom if included in a
692 student's individual education plan. Students using
693 instructional accommodations in the classroom that are not
694 allowable as accommodations on the FCAT may have the FCAT
695 requirement waived pursuant to the requirements of s. 1003.4282
696 ~~1003.428(8)(b) or s. 1003.43(11)(b)~~.

697 7. A student seeking an adult high school diploma must meet
698 the same testing requirements that a regular high school student
699 must meet.

700 8. District school boards must provide instruction to
701 prepare students to demonstrate proficiency in the core
702 curricular content established in the Next Generation Sunshine
703 State Standards adopted under s. 1003.41, including the core
704 content knowledge and skills necessary for successful grade-to-
705 grade progression and high school graduation. If a student is
706 provided with instructional accommodations in the classroom that
707 are not allowable as accommodations in the statewide assessment
708 program, as described in the test manuals, the district must



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709 inform the parent in writing and must provide the parent with
710 information regarding the impact on the student's ability to
711 meet expected proficiency levels in reading, writing, and
712 mathematics. The commissioner shall conduct studies as necessary
713 to verify that the required core curricular content is part of
714 the district instructional programs.

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

719 10. The Department of Education must develop, or select,
720 and implement a common battery of assessment tools that will be
721 used in all juvenile justice programs in the state. These tools
722 must accurately measure the core curricular content established
723 in the Sunshine State Standards.

724 11. For students seeking a special diploma pursuant to s.
725 1003.438, the Department of Education must develop or select and
726 implement an alternate assessment tool that accurately measures
727 the core curricular content established in the Sunshine State
728 Standards for students with disabilities under s. 1003.438.

729 12. The Commissioner of Education shall establish schedules
730 for the administration of statewide assessments and the
731 reporting of student test results. The commissioner shall, by
732 August 1 of each year, notify each school district in writing
733 and publish on the department's Internet website the testing and
734 reporting schedules for, at a minimum, the school year following
735 the upcoming school year. The testing and reporting schedules
736 shall require that:

737 a. There is the latest possible administration of statewide



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738 assessments and the earliest possible reporting to the school
739 districts of student test results which is feasible within
740 available technology and specific appropriations; however, test
741 results must be made available no later than the final day of
742 the regular school year for students.

743 b. Beginning with the 2010-2011 school year, a
744 comprehensive statewide assessment of writing is not
745 administered earlier than the week of March 1 and a
746 comprehensive statewide assessment of any other subject is not
747 administered earlier than the week of April 15.

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

750
751 The commissioner may, based on collaboration and input from
752 school districts, design and implement student testing programs,
753 for any grade level and subject area, necessary to effectively
754 monitor educational achievement in the state, including the
755 measurement of educational achievement of the Sunshine State
756 Standards for students with disabilities. Development and
757 refinement of assessments shall include universal design
758 principles and accessibility standards that will prevent any
759 unintended obstacles for students with disabilities while
760 ensuring the validity and reliability of the test. These
761 principles should be applicable to all technology platforms and
762 assistive devices available for the assessments. The field
763 testing process and psychometric analyses for the statewide
764 assessment program must include an appropriate percentage of
765 students with disabilities and an evaluation or determination of
766 the effect of test items on such students.



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767 ~~(10) CONCORDANT SCORES FOR THE FCAT.~~

768 ~~(a) The State Board of Education shall analyze the content~~
769 ~~and concordant data sets for widely used high school achievement~~
770 ~~tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,~~
771 ~~and College Placement Test, to assess if concordant scores for~~
772 ~~FCAT scores can be determined for high school graduation,~~
773 ~~college placement, and scholarship awards. In cases where~~
774 ~~content alignment and concordant scores can be determined, the~~
775 ~~Commissioner of Education shall adopt those scores as meeting~~
776 ~~the graduation requirement in lieu of achieving the FCAT passing~~
777 ~~score and may adopt those scores as being sufficient to achieve~~
778 ~~additional purposes as determined by rule. Each time that test~~
779 ~~content or scoring procedures change for the FCAT or for a high~~
780 ~~school achievement test for which a concordant score is~~
781 ~~determined, new concordant scores must be determined.~~

782 ~~(b) In order to use a concordant subject area score~~
783 ~~pursuant to this subsection to satisfy the assessment~~
784 ~~requirement for a standard high school diploma as provided in s.~~
785 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
786 ~~take each subject area of the grade 10 FCAT a total of three~~
787 ~~times without earning a passing score. The requirements of this~~
788 ~~paragraph shall not apply to a new student who enters the~~
789 ~~Florida public school system in grade 12, who may either achieve~~
790 ~~a passing score on the FCAT or use an approved subject area~~
791 ~~concordant score to fulfill the graduation requirement.~~

792 ~~(c) The State Board of Education may define by rule the~~
793 ~~allowable uses, other than to satisfy the high school graduation~~
794 ~~requirement, for concordant scores as described in this~~
795 ~~subsection. Such uses may include, but need not be limited to,~~



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796 ~~achieving appropriate standardized test scores required for the~~
797 ~~awarding of Florida Bright Futures Scholarships and college~~
798 ~~placement.~~

799 Section 11. Subsection (3) of section 1008.30, Florida
800 Statutes, is amended to read:

801 1008.30 Common placement testing for public postsecondary
802 education.-

803 (3) The State Board of Education shall adopt rules that
804 require high schools to evaluate before the beginning of grade
805 12 the college readiness of each student who indicates an
806 interest in postsecondary education and achieves passing scores
807 on the language arts and at Level 2 or Level 3 on the reading
808 portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on
809 the mathematics end-of-course assessments required for high
810 school graduation portion of the grade 10 FCAT. High schools
811 shall perform this evaluation using results from the
812 corresponding component of the common placement test prescribed
813 in this section, or an equivalent test identified by the State
814 Board of Education. The Department of Education shall purchase
815 or develop the assessments necessary to perform the evaluations
816 required by this subsection and shall work with the school
817 districts to administer the assessments. The State Board of
818 Education shall establish by rule the minimum test scores a
819 student must achieve to demonstrate readiness. Students who
820 demonstrate readiness by achieving the minimum test scores
821 established by the state board and enroll in a community college
822 within 2 years of achieving such scores shall not be required to
823 enroll in remediation courses as a condition of acceptance to
824 any community college. The high school shall use the results of



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825 the test to advise the students of any identified deficiencies
826 and to the maximum extent practicable provide 12th grade
827 students access to appropriate remedial instruction prior to
828 high school graduation. The remedial instruction provided under
829 this subsection shall be a collaborative effort between
830 secondary and postsecondary educational institutions. To the
831 extent courses are available, the Florida Virtual School may be
832 used to provide the remedial instruction required by this
833 subsection.

834 Section 12. Paragraph (b) of subsection (1) of section
835 1009.531, Florida Statutes, is amended to read:

836 1009.531 Florida Bright Futures Scholarship Program;
837 student eligibility requirements for initial awards.-

838 (1) Effective January 1, 2008, in order to be eligible for
839 an initial award from any of the three types of scholarships
840 under the Florida Bright Futures Scholarship Program, a student
841 must:

842 (b) Earn a standard Florida high school diploma or its
843 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,
844 or s. 1003.435 unless:

845 1. The student completes a home education program according
846 to s. 1002.41; or

847 2. The student earns a high school diploma from a non-
848 Florida school while living with a parent or guardian who is on
849 military or public service assignment away from Florida.

850 Section 13. This act shall take effect July 1, 2009.

851
852 ===== T I T L E A M E N D M E N T =====

853 And the title is amended as follows:



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854 Delete everything before the enacting clause
855 and insert:

856 A bill to be entitled
857 An act relating to high school graduation; amending s.
858 1003.03, F.S.; conforming provisions to the
859 replacement by the act of the grade 10 Florida
860 Comprehensive Assessment Test with end-of-course
861 assessments for purposes of high school graduation
862 requirements; amending s. 1003.428, F.S.; requiring
863 that students be advised of the availability of
864 certain courses for purposes of high school
865 graduation; providing credit requirements for high
866 school graduation with a standard diploma beginning
867 with students entering grade 9 in the 2010-2011 school
868 year and students entering grade 9 in the 2012-2013
869 school year; revising remedial course requirements to
870 conform to the replacement by the act of the grade 10
871 FCAT with end-of-course assessments; deleting
872 provisions relating to general requirements for high
873 school graduation to conform to changes made by the
874 act; creating s. 1003.4282, F.S.; providing for
875 accommodations for students with disabilities for
876 purposes of high school graduation; creating s.
877 1003.4286, F.S.; creating the Graduation Exit Option
878 Program under which a high school student shall be
879 awarded an alternative diploma; providing requirements
880 for participation in the program and receipt of a
881 diploma; providing Department of Education duties and
882 requiring State Board of Education rules; creating s.



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883 1003.4287, F.S.; authorizing the award of a standard
884 high school diploma to certain honorably discharged
885 veterans; amending s. 1003.429, F.S.; requiring that
886 students be advised of the availability of certain
887 courses for purposes of an accelerated high school
888 graduation option; revising high school graduation
889 requirements to conform to the replacement by the act
890 of the grade 10 FCAT with end-of-course assessments;
891 amending s. 1003.43, F.S.; revising high school
892 graduation requirements to conform to the replacement
893 by the act of the grade 10 FCAT with end-of-course
894 assessments; deleting provisions relating to general
895 requirements for high school graduation to conform to
896 changes made by the act; amending s. 1003.433, F.S.;
897 revising high school graduation requirements for
898 transfer students to conform to the replacement by the
899 act of the grade 10 FCAT with end-of-course
900 assessments; amending s. 1007.263, F.S.; conforming a
901 cross-reference; amending s. 1008.22, F.S.; requiring
902 students to pass certain end-of-course assessments to
903 qualify for a high school diploma; requiring the State
904 Board of Education to designate passing scores;
905 deleting provisions requiring passing scores on the
906 grade 10 FCAT for purposes of a high school diploma;
907 conforming cross-references; deleting provisions for
908 the establishment of concordant scores used for
909 purposes of high school graduation as alternative to
910 FCAT scores; amending s. 1008.30, F.S.; revising
911 requirements for high schools to evaluate the college



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912 readiness of students; conforming provisions; amending
913 s. 1009.531, F.S.; conforming provisions; providing an
914 effective date.