



693470

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

04/29/2009 10:30 AM

.

.

Senator Wise moved the following:

Senate Amendment (with title amendment)

Delete lines 55 - 97

and insert:

Section 3. Sections 4-6 of this act may be cited as the
"Justice Sandra Day O'Connor Civics Education Act."

Section 4. Paragraph (a) of subsection (1) of section
1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades
promotion.—

(1) Beginning with students entering grade 6 in the 2006-
2007 school year, promotion from a school composed of middle



693470

13 grades 6, 7, and 8 requires that:

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

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 studies,
24 one semester of which must include the study of state and
25 federal government and civics education. Beginning with students
26 entering grade 6 in the 2011-2012 school year, one of these
27 courses must be a one-semester civics education course that a
28 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 Florida CHOICES for the 21st Century or a
41 comparable cost-effective program; must include educational



693470

42 planning using the online student advising system known as
43 Florida Academic Counseling and Tracking for Students at the
44 Internet website FACTS.org; and shall result in the completion
45 of a personalized 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 5. 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



693470

71 programs authorized and funded by the Legislature. Contracts may
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



693470

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
128 institutions, or school districts. The commissioner shall obtain



693470

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
156 concordant scores as described in subsection (10) in reading,
157 writing, and mathematics to qualify for a standard high school



693470

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
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



693470

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 meet
192 the same testing requirements that a regular high school student
193 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
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



693470

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 schedules
224 for the administration of statewide assessments and the
225 reporting of student test results. The commissioner shall, by
226 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 statewide
232 assessments and the earliest possible reporting to the school
233 districts of student test results which is feasible within
234 available technology and specific appropriations; however, test
235 results must be made available no later than the final day of
236 the regular school year for students.

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



693470

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 6. 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.—

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



693470

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
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



693470

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 enrolled
316 in the school and enrolled in College Board Advanced Placement
317 courses; International Baccalaureate courses; dual enrollment
318 courses; Advanced International Certificate of Education
319 courses; and courses or sequence of courses leading to industry
320 certification, as determined by the Agency for Workforce
321 Innovation under s. 1003.492(2) in a career and professional
322 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



693470

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

365 And the title is amended as follows:

366 Delete lines 9 - 10

367 and insert:

368 Program; creating the "Justice Sandra Day O'Connor
369 Civics Education Act"; amending s. 1003.4156, F.S.;
370 requiring that a student successfully complete a
371 civics course covering certain subject matter for
372 middle grades promotion beginning with certain
373 students during a specified school year; correcting a
374 cross-reference; amending s. 1008.22, F.S.; requiring
375 the administration of an end-of-course assessment in
376 civics education as a field test at the middle school
377 level during the 2011-2012 school year; providing
378 requirements for course grade and course credit for
379 subsequent school years; amending s. 1008.34, F.S.;
380 requiring the inclusion of civics education end-of-
381 course assessment data in determining school grades
382 beginning with the 2012-2013 school year; amending s.
383 1003.429, F.S.; revising