

By Senator Wise

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1 A bill to be entitled
2 An act relating to school improvement and
3 accountability; amending s. 1003.413, F.S.; redefining
4 the term "secondary school" to no longer include an
5 elementary school serving students through grade 6
6 only; repealing s. 1003.413(5), F.S., relating to a
7 requirement that the Commissioner of Education create
8 and implement the Secondary School Improvement Award
9 Program; amending s. 1003.4156, F.S.; revising
10 provisions relating to the general requirements for
11 middle grades promotion; providing an exception;
12 amending s. 1003.428, F.S.; revising provisions
13 relating to the general requirements for high school
14 graduation; providing exceptions; amending s.
15 1003.429, F.S.; revising provisions relating to
16 accelerated high school graduation; revising the
17 credits for certain courses required under the 3-year
18 standard college preparatory program which apply to
19 students who enter grade 9 in the 2009-2010 school
20 year; amending s. 1003.433, F.S.; providing that a
21 student who enters middle school at the eighth grade
22 from out of state or from a foreign country is not
23 required to spend additional time in school to meet
24 the requirements for middle grades promotion under
25 certain circumstances; requiring that such student
26 receive immediate and intensive instruction in English
27 language acquisition under specified circumstances;
28 amending s. 1003.621, F.S.; requiring that the State
29 Board of Education annually designate school districts

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30 as academically high-performing schools districts if
31 certain criteria are met; requiring that such
32 designation occur at the next meeting of the State
33 Board of Education on or after a specified date each
34 year; providing that the designation is effective
35 beginning the following school year; revising the
36 information that an academically high-performing
37 school district must include in its annual report to
38 the State Board of Education and the Legislature;
39 amending s. 1008.22, F.S.; providing that concordant
40 scores that are earned before taking the grade 10
41 Florida Comprehensive Assessment Test may not be used
42 to qualify for a standard high school diploma;
43 requiring that a student who has not earned passing
44 scores on the grade 10 FCAT participate in each retake
45 of the assessment until he or she earns a passing
46 score or achieves a passing score on a standardized
47 assessment which is concordant with FCAT passing
48 scores; deleting provisions relating to concordant
49 scores for the FCAT; amending s. 1008.25, F.S.;

50 requiring that each district school board annually
51 post certain information on its Internet website;
52 revising the date that each district school board is
53 required to report certain information to the State
54 Board of Education; amending s. 1008.33, F.S.;

55 requiring that the state system of educational
56 accountability comply with the federal Elementary and
57 Secondary Act after the State Board of Education
58 evaluates and determines that it is consistent with

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59 certain principles; providing that public schools are
60 accountable to the State Board of Education; providing
61 responsibilities for the State Board of Education
62 regarding the system of school improvement and
63 accountability; requiring that the Department of
64 Education categorize public schools annually based on
65 school grade and student performance; providing that
66 schools are subject to intervention strategies;
67 authorizing the department to prescribe reporting
68 requirements to review and monitor the progress of
69 schools; providing criteria for categorizing schools
70 as the lowest performing schools; requiring that the
71 school district implement certain options for dealing
72 with lowest performing schools in the district;
73 requiring that a school make significant progress to
74 advance to another category; authorizing the State
75 Board of Education to impose a public reprimand on a
76 school district that deviates from or fails to
77 implement its improvement plan; authorizing the State
78 Board of Education to withhold the transfer of all
79 state funds generated by the students assigned to the
80 school and allowable federal funds if the deviation or
81 failure is repeated, continuous, or serious; requiring
82 that the department implement the school improvement
83 plan immediately; requiring that the State Board of
84 Education adopt rules; amending s. 1008.34, F.S.;
85 revising provisions relating to the designation of
86 school grades; amending s. 1008.36, F.S.; revising the
87 date that school staff and the school advisory council

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88 is required to reach an agreement regarding the
89 distribution of financial awards under the Florida
90 School Recognition Program; providing an effective
91 date.

92

93 Be It Enacted by the Legislature of the State of Florida:

94

95 Section 1. Subsection (1) of section 1003.413, Florida
96 Statutes, is amended to read:

97 1003.413 Florida Secondary School Redesign Act.—

98 (1) For purposes of this section, the term "secondary
99 school" means a school that serves ~~Secondary schools are schools~~
100 ~~that primarily serve~~ students in grades 6 through 12. A
101 secondary school does not include an elementary school serving
102 students only through grade 6. It is the intent of the
103 Legislature to provide for secondary school redesign so that
104 students promoted from the 8th grade have the necessary academic
105 skills for success in high school and students graduating from
106 high school have the necessary skills for success in the
107 workplace and postsecondary education.

108 Section 2. Subsection (5) of section 1003.413, Florida
109 Statutes, is repealed.

110 Section 3. Paragraphs (a) and (b) of subsection (1) of
111 section 1003.4156, Florida Statutes, are amended to read:

112 1003.4156 General requirements for middle grades
113 promotion.—

114 (1) Beginning with students entering grade 6 in the 2006-
115 2007 school year, promotion from a school composed of middle
116 grades 6, 7, and 8 requires that:

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117 (a) The student must successfully complete academic courses
118 as follows:

119 1. Three middle school or higher courses in English. These
120 courses shall emphasize literature, composition, and technical
121 text.

122 2. Three middle school or higher courses in mathematics.
123 Each middle school must offer at least one high school level
124 mathematics course for which students may earn high school
125 credit.

126 3. Three middle school or higher courses in social studies,
127 one semester of which must include the study of state and
128 federal government and civics education.

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

130 5. One course in career and education planning to be
131 completed in 7th or 8th grade. The course may be taught by any
132 member of the instructional staff; must include career
133 exploration using Florida CHOICES ~~for the 21st Century~~ or a
134 comparable cost-effective program; must include educational
135 planning using the online student advising system known as
136 Florida Academic Counseling and Tracking for Students at the
137 Internet website FACTS.org; and shall result in the completion
138 of a personalized academic and career plan.

139
140 Each school must hold a parent meeting either in the evening or
141 on a weekend to inform parents about the course curriculum and
142 activities. Each student shall complete an electronic personal
143 education plan that must be signed by the student; the student's
144 instructor, guidance counselor, or academic advisor; and the
145 student's parent. ~~By January 1, 2007,~~ The Department of

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146 Education shall develop course frameworks and professional
147 development materials for the career exploration and education
148 planning course. The course may be implemented as a stand-alone
149 course or integrated into another course or courses. The
150 Commissioner of Education shall collect longitudinal high school
151 course enrollment data by student ethnicity in order to analyze
152 course-taking patterns.

153 (b) For each year in which a student scores at Level 1 on
154 FCAT Reading, the student must be enrolled in and complete an
155 intensive reading course the following year. Placement of Level
156 2 readers in either an intensive reading course or a content
157 area course in which reading strategies are delivered shall be
158 determined by diagnosis of reading needs. The department shall
159 provide guidance on appropriate strategies for diagnosing and
160 meeting the varying instructional needs of students reading
161 below grade level. Reading courses shall be designed and offered
162 pursuant to the comprehensive reading plan required by s.
163 1011.62(9). A student who scores below Level 1 or Level 2 on
164 FCAT Reading, but who did not score below Level 3 on FCAT
165 Reading in the prior school year, may be exempt from the
166 requirement in this paragraph if the student demonstrates
167 acceptable performance on an alternative standardized reading
168 assessment approved by the State Board of Education.

169 Section 4. Paragraph (b) of subsection (2) of section
170 1003.428, Florida Statutes, is amended to read:

171 1003.428 General requirements for high school graduation;
172 revised.—

173 (2) The 24 credits may be earned through applied,
174 integrated, and combined courses approved by the Department of

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175 Education and shall be distributed as follows:

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

177 1. Four credits in a major area of interest, such as
178 sequential courses in a career and technical program, fine and
179 performing arts, or academic content area, selected by the
180 student as part of the education plan required by s. 1003.4156.
181 Students may revise major areas of interest each year as part of
182 annual course registration processes and should update their
183 education plan to reflect such revisions. Annually by October 1,
184 the district school board shall approve major areas of interest
185 and submit the list of majors to the Commissioner of Education
186 for approval. Each major area of interest shall be deemed
187 approved unless specifically rejected by the commissioner within
188 60 days. Upon approval, each district's major areas of interest
189 shall be available for use by all school districts and shall be
190 posted on the department's website.

191 2. Four credits in elective courses selected by the student
192 as part of the education plan required by s. 1003.4156. These
193 credits may be combined to allow for a second major area of
194 interest pursuant to subparagraph 1., a minor area of interest,
195 elective courses, or intensive reading or mathematics
196 intervention courses as described in this subparagraph.

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

200 b. Elective courses are selected by the student in order to
201 pursue a complete education program as described in s.
202 1001.41(3) and to meet eligibility requirements for
203 scholarships.

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204 c. For each year in which a student scores at Level 1 on
205 FCAT Reading, the student must be enrolled in and complete an
206 intensive reading course the following year. Placement of Level
207 2 readers in either an intensive reading course or a content
208 area course in which reading strategies are delivered shall be
209 determined by diagnosis of reading needs. The department shall
210 provide guidance on appropriate strategies for diagnosing and
211 meeting the varying instructional needs of students reading
212 below grade level. Reading courses shall be designed and offered
213 pursuant to the comprehensive reading plan required by s.
214 1011.62(9). A student who scores below Level 1 or Level 2 on
215 FCAT Reading, but who did not score below Level 3 on FCAT
216 Reading in the prior school year, may be exempt from the
217 requirement in this sub-subparagraph if the student demonstrates
218 acceptable performance on an alternative standardized reading
219 assessment approved by the State Board of Education. The
220 requirements in this sub-subparagraph do not apply to a student
221 who has earned a passing score on the grade 10 FCAT Reading
222 pursuant to s. 1008.22(3)(c) or who has achieved a score on a
223 standardized test which is concordant with a passing score on
224 the grade 10 FCAT Reading pursuant to s. 1008.22(10).

225 d. For each year in which a student scores at Level 1 or
226 Level 2 on FCAT Mathematics, the student must receive
227 remediation the following year. These courses may be taught
228 through applied, integrated, or combined courses and are subject
229 to approval by the department for inclusion in the Course Code
230 Directory. The requirements of this sub-subparagraph do not
231 apply to a student who has earned a passing score on the grade
232 10 FCAT Mathematics pursuant to s. 1008.22(3)(c) or who has

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233 achieved a score on a standardized test which is concordant with
234 a passing score on the grade 10 FCAT Mathematics pursuant to s.
235 1008.22(10).

236 Section 5. Subsection (1), paragraph (c) of subsection (7),
237 and subsection (8) of section 1003.429, Florida Statutes, are
238 amended to read:

239 1003.429 Accelerated high school graduation options.-

240 (1) Students who enter grade 9 in the 2006-2007 school year
241 and thereafter may select, upon receipt of each consent required
242 by this section, one of the following three high school
243 graduation options:

244 (a) Completion of the general requirements for high school
245 graduation pursuant to s. 1003.428 or s. 1003.43, as applicable;

246 (b) Completion of a 3-year standard college preparatory
247 program requiring successful completion of a minimum of 18
248 academic credits in grades 9 through 12. At least 6 of the 18
249 credits required for completion of this program must be received
250 in classes that are offered pursuant to the International
251 Baccalaureate Program, the Advanced Placement Program, dual
252 enrollment, Advanced International Certificate of Education, or
253 specifically listed or identified by the Department of Education
254 as rigorous pursuant to s. 1009.531(3). The 18 credits required
255 for completion of this program shall be primary requirements and
256 shall be distributed as follows:

257 1. Four credits in English, with major concentration in
258 composition and literature;

259 2. Three credits in mathematics at the Algebra I level or
260 higher from the list of courses that qualify for state
261 university admission. Beginning with students who enter grade 9

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262 in the 2009-2010 school year, four credits in mathematics at the
263 Algebra I level or higher from the list of courses that qualify
264 for state university admission;

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

267 4. Three credits in social sciences, which must include one
268 credit in American history, one credit in world history, one-
269 half credit in American government, and one-half credit in
270 economics;

271 5. Two credits in the same second language unless the
272 student is a native speaker of or can otherwise demonstrate
273 competency in a language other than English. If the student
274 demonstrates competency in another language, the student may
275 replace the language requirement with two credits in other
276 academic courses; and

277 6. Three credits in electives. Beginning with students who
278 enter grade 9 in the 2009-2010 school year, two credits in
279 electives; or

280 (c) Completion of a 3-year career preparatory program
281 requiring successful completion of a minimum of 18 academic
282 credits in grades 9 through 12. The 18 credits shall be primary
283 requirements and shall be distributed as follows:

284 1. Four credits in English, with major concentration in
285 composition and literature;

286 2. Three credits in mathematics, one of which must be
287 Algebra I;

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

290 4. Three credits in social sciences, which must include one

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291 credit in American history, one credit in world history, one-
292 half credit in American government, and one-half credit in
293 economics;

294 5. Three credits in a single vocational or career education
295 program, three credits in career and technical certificate dual
296 enrollment courses, or five credits in vocational or career
297 education courses; and

298 6. Two credits in electives unless five credits are earned
299 pursuant to subparagraph 5.

300

301 Any student who selected an accelerated graduation program
302 before July 1, 2004, may continue that program, and all
303 statutory program requirements that were applicable when the
304 student made the program choice shall remain applicable to the
305 student as long as the student continues that program.

306 (7) If, at the end of grade 10, a student is not on track
307 to meet the credit, assessment, or grade-point-average
308 requirements of the accelerated graduation option selected, the
309 school shall notify the student and parent of the following:

310 (c) The right of the student to change to the 4-year
311 program set forth in s. 1003.428 or s. 1003.43, as applicable.

312 (8) A student who selected one of the accelerated 3-year
313 graduation options shall automatically move to the 4-year
314 program set forth in s. 1003.428 or s. 1003.43, as applicable,
315 if the student:

316 (a) Exercises his or her right to change to the 4-year
317 program;

318 (b) Fails to earn 5 credits by the end of grade 9 or fails
319 to earn 11 credits by the end of grade 10;

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320 (c) Does not achieve a score of 3 or higher on the grade 10
321 FCAT Writing assessment; or

322 (d) By the end of grade 11 does not meet the requirements
323 of subsections (1) and (6).

324 Section 6. Section 1003.433, Florida Statutes, is amended
325 to read:

326 1003.433 Learning opportunities for out-of-state and out-
327 of-country transfer students and students needing additional
328 instruction to meet middle grades promotion or high school
329 graduation requirements.—

330 (1) Students who enter a Florida public middle school at
331 the eighth grade from out of state or from a foreign country
332 shall not be required to spend additional time in a Florida
333 public school in order to meet the middle grades promotion
334 requirements if the student has met all requirements of the
335 school district, state, or country from which he or she is
336 transferring. Such students who are not proficient in English
337 should receive immediate and intensive instruction in English
338 language acquisition.

339 (2)~~(1)~~ Students who enter a Florida public school at the
340 eleventh or twelfth grade from out of state or from a foreign
341 country shall not be required to spend additional time in a
342 Florida public school in order to meet the high school course
343 requirements if the student has met all requirements of the
344 school district, state, or country from which he or she is
345 transferring. Such students who are not proficient in English
346 should receive immediate and intensive instruction in English
347 language acquisition. However, to receive a standard high school
348 diploma, a transfer student must earn a 2.0 grade point average

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349 and pass the grade 10 FCAT required in s. 1008.22(3) or an
350 alternate assessment as described in s. 1008.22(10).

351 (3)~~(2)~~ Students who have met all requirements for the
352 standard high school diploma except for passage of the grade 10
353 FCAT or an alternate assessment by the end of grade 12 must be
354 provided the following learning opportunities:

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

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

360 (c) Participation in an adult general education program as
361 provided in s. 1004.93 for such time as the student requires to
362 master English, reading, mathematics, or any other subject
363 required for high school graduation. Students attending adult
364 basic, adult secondary, or vocational-preparatory instruction
365 are exempt from any requirement for the payment of tuition and
366 fees, including lab fees, pursuant to s. 1009.25. A student
367 attending an adult general education program shall have the
368 opportunity to take the grade 10 FCAT an unlimited number of
369 times in order to receive a standard high school diploma.

370 (4)~~(3)~~ Students who have been enrolled in an ESOL program
371 for less than 2 school years and have met all requirements for
372 the standard high school diploma except for passage of the grade
373 10 FCAT or alternate assessment may receive immersion English
374 language instruction during the summer following their senior
375 year. Students receiving such instruction are eligible to take
376 the FCAT or alternate assessment and receive a standard high
377 school diploma upon passage of the grade 10 FCAT or the

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378 alternate assessment. This subsection shall be implemented to
379 the extent funding is provided in the General Appropriations
380 Act.

381 (5)~~(4)~~ The district school superintendent shall be
382 responsible for notifying all students of the consequences of
383 failure to receive a standard high school diploma, including the
384 potential ineligibility for financial assistance at
385 postsecondary educational institutions.

386 (6)~~(5)~~ The State Board of Education may adopt rules
387 pursuant to ss. 120.536(1) and 120.54 to administer this
388 section.

389 Section 7. Subsection (1) and paragraph (f) of subsection
390 (4) of section 1003.621, Florida Statutes, are amended to read:

391 1003.621 Academically high-performing school districts.—It
392 is the intent of the Legislature to recognize and reward school
393 districts that demonstrate the ability to consistently maintain
394 or improve their high-performing status. The purpose of this
395 section is to provide high-performing school districts with
396 flexibility in meeting the specific requirements in statute and
397 rules of the State Board of Education.

398 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

399 (a) The State Board of Education shall annually designate a
400 school district as ~~is~~ an academically high-performing school
401 district if the district ~~it~~ meets the following criteria:

402 1.a. Beginning with the 2004-2005 school year, earns a
403 grade of "A" under s. 1008.34(7) for 2 consecutive years; and

404 b. Has no district-operated school that earns a grade of
405 "F" under s. 1008.34;

406 2. Complies with all class size requirements in s. 1, Art.

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407 IX of the State Constitution and s. 1003.03; and

408 3. Has no material weaknesses or instances of material
409 noncompliance noted in the annual financial audit conducted
410 pursuant to s. 218.39.

411 ~~(b) Each school district that satisfies the eligibility~~
412 ~~criteria in this subsection shall be designated by The State~~
413 ~~Board of Education shall designate a school district as an~~
414 ~~academically high-performing school district at the next State~~
415 ~~Board of Education meeting occurring on or after February 1 of~~
416 ~~each year. The designation is effective beginning with the~~
417 ~~following school year and remains effective through the entire~~
418 ~~school year. With the exception of the statutes listed in~~
419 ~~subsection (2), upon designation as an academically high-~~
420 ~~performing school district, each such district is exempt from~~
421 ~~the provisions in chapters 1000-1013 which pertain to school~~
422 ~~districts and rules of the State Board of Education which~~
423 ~~implement these exempt provisions. This exemption remains in~~
424 ~~effect during the time of the designation if the district~~
425 ~~continues to meet all eligibility criteria.~~

426 ~~(c) The academically high-performing school district shall~~
427 ~~retain the designation as a high-performing school district for~~
428 ~~3 years, at the end of which time the district may renew the~~
429 ~~designation if the district meets the requirements in this~~
430 ~~section. A school district that fails to meet the requirements~~
431 ~~in this section shall provide written notification to the State~~
432 ~~Board of Education that the district is no longer eligible to be~~
433 ~~designated as an academically high-performing school district.~~

434 ~~(c)-(d)~~ In order to annually maintain the designation as an
435 academically high-performing school district pursuant to this

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436 section, a school district must meet the following requirements:

437 1. Comply with the provisions of sub-subparagraph (a)1.b.
438 and subparagraphs (a)2. and 3.; and

439 2. Earn a grade of "A" under s. 1008.34(7) for 2 years
440 within a 3-year period.

441
442 ~~However, a district in which a district-operated school earns a~~
443 ~~grade of "F" under s. 1008.34 during the 3-year period may not~~
444 ~~continue to be designated as an academically high-performing~~
445 ~~school district during the remainder of that 3-year period. The~~
446 ~~district must meet the criteria in paragraph (a) in order to be~~
447 ~~redesignated as an academically high-performing school district.~~

448 (4) REPORTS.—The academically high-performing school
449 district shall submit to the State Board of Education and the
450 Legislature an annual report on December 1 which delineates the
451 performance of the school district relative to the academic
452 performance of students at each grade level in reading, writing,
453 mathematics, science, and any other subject that is included as
454 a part of the statewide assessment program in s. 1008.22. The
455 annual report shall be submitted in a format prescribed by the
456 Department of Education and shall include, but need not be
457 limited to, the following:

458 (f) A description of each statute and rule that the
459 district did not comply with pursuant to paragraph (1)(b) and
460 the effect that the exemption had upon the district's ability to
461 consistently maintain or improve its high-performing status
462 ~~waiver and the status of each waiver.~~

463 Section 8. Paragraph (c) of subsection (3) and paragraphs
464 (b) and (c) of subsection (10) of section 1008.22, Florida

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465 Statutes, are amended to read:

466 1008.22 Student assessment program for public schools.—

467 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
468 design and implement a statewide program of educational
469 assessment that provides information for the improvement of the
470 operation and management of the public schools, including
471 schools operating for the purpose of providing educational
472 services to youth in Department of Juvenile Justice programs.
473 The commissioner may enter into contracts for the continued
474 administration of the assessment, testing, and evaluation
475 programs authorized and funded by the Legislature. Contracts may
476 be initiated in 1 fiscal year and continue into the next and may
477 be paid from the appropriations of either or both fiscal years.
478 The commissioner is authorized to negotiate for the sale or
479 lease of tests, scoring protocols, test scoring services, and
480 related materials developed pursuant to law. Pursuant to the
481 statewide assessment program, the commissioner shall:

482 (c) Develop and implement a student achievement testing
483 program known as the Florida Comprehensive Assessment Test
484 (FCAT) as part of the statewide assessment program to measure a
485 student's content knowledge and skills in reading, writing,
486 science, and mathematics. Other content areas may be included as
487 directed by the commissioner. Comprehensive assessments of
488 reading and mathematics shall be administered annually in grades
489 3 through 10. Comprehensive assessments of writing and science
490 shall be administered at least once at the elementary, middle,
491 and high school levels. End-of-course assessments for a subject
492 may be administered in addition to the comprehensive assessments
493 required for that subject under this paragraph. An end-of-course

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494 assessment must be rigorous, statewide, standardized, and
495 developed or approved by the department. The content knowledge
496 and skills assessed by comprehensive and end-of-course
497 assessments must be aligned to the core curricular content
498 established in the Sunshine State Standards. The commissioner
499 may select one or more nationally developed comprehensive
500 examinations, which may include, but need not be limited to,
501 examinations for a College Board Advanced Placement course,
502 International Baccalaureate course, or Advanced International
503 Certificate of Education course or industry-approved
504 examinations to earn national industry certifications as defined
505 in s. 1003.492, for use as end-of-course assessments under this
506 paragraph, if the commissioner determines that the content
507 knowledge and skills assessed by the examinations meet or exceed
508 the grade level expectations for the core curricular content
509 established for the course in the Next Generation Sunshine State
510 Standards. The commissioner may collaborate with the American
511 Diploma Project in the adoption or development of rigorous end-
512 of-course assessments that are aligned to the Next Generation
513 Sunshine State Standards. The testing program must be designed
514 as follows:

515 1. The tests shall measure student skills and competencies
516 adopted by the State Board of Education as specified in
517 paragraph (a). The tests must measure and report student
518 proficiency levels of all students assessed in reading, writing,
519 mathematics, and science. The commissioner shall provide for the
520 tests to be developed or obtained, as appropriate, through
521 contracts and project agreements with private vendors, public
522 vendors, public agencies, postsecondary educational

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523 institutions, or school districts. The commissioner shall obtain
524 input with respect to the design and implementation of the
525 testing program from state educators, assistive technology
526 experts, and the public.

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

532 3. Beginning with the 2008-2009 school year, the
533 commissioner shall discontinue administration of the selected-
534 response test items on the comprehensive assessments of writing.
535 Beginning with the 2012-2013 school year, the comprehensive
536 assessments of writing shall be composed of a combination of
537 selected-response test items, short-response performance tasks,
538 and extended-response performance tasks, which shall measure a
539 student's content knowledge of writing, including, but not
540 limited to, paragraph and sentence structure, sentence
541 construction, grammar and usage, punctuation, capitalization,
542 spelling, parts of speech, verb tense, irregular verbs, subject-
543 verb agreement, and noun-pronoun agreement.

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

548 5. Except as provided in s. 1003.428(8)(b) or s.
549 1003.43(11)(b), students must earn a passing score on the grade
550 10 assessment test described in this paragraph or attain
551 concordant scores as described in subsection (10) in reading,

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552 writing, and mathematics to qualify for a standard high school
553 diploma. Concordant scores earned before taking the grade 10
554 FCAT for the first time in grade 10 may not be used to satisfy
555 the requirement in this subparagraph. The State Board of
556 Education shall designate a passing score for each part of the
557 grade 10 assessment test. In establishing passing scores, the
558 state board shall consider any possible negative impact of the
559 test on minority students. The State Board of Education shall
560 adopt rules which specify the passing scores for the grade 10
561 FCAT. Any such rules, which have the effect of raising the
562 required passing scores, shall apply only to students taking the
563 grade 10 FCAT for the first time after such rules are adopted by
564 the State Board of Education.

565 6. Participation in the testing program is mandatory for
566 all students attending public school, including students served
567 in Department of Juvenile Justice programs, except as otherwise
568 prescribed by the commissioner. A student who has not earned
569 passing scores on the grade 10 assessment as provided in
570 subparagraph 5. must participate in each retake of the
571 assessment until the student earns a passing score or achieves a
572 score on a standardized assessment which is concordant with
573 passing scores pursuant to subsection (10). If a student does
574 not participate in the statewide assessment, the district must
575 notify the student's parent and provide the parent with
576 information regarding the implications of such nonparticipation.
577 A parent must provide signed consent for a student to receive
578 classroom instructional accommodations that would not be
579 available or permitted on the statewide assessments and must
580 acknowledge in writing that he or she understands the

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581 implications of such instructional accommodations. The State
582 Board of Education shall adopt rules, based upon recommendations
583 of the commissioner, for the provision of test accommodations
584 for students in exceptional education programs and for students
585 who have limited English proficiency. Accommodations that negate
586 the validity of a statewide assessment are not allowable in the
587 administration of the FCAT. However, instructional
588 accommodations are allowable in the classroom if included in a
589 student's individual education plan. Students using
590 instructional accommodations in the classroom that are not
591 allowable as accommodations on the FCAT may have the FCAT
592 requirement waived pursuant to the requirements of s.
593 1003.428(8)(b) or s. 1003.43(11)(b).

594 7. A student seeking an adult high school diploma must meet
595 the same testing requirements that a regular high school student
596 must meet.

597 8. District school boards must provide instruction to
598 prepare students to demonstrate proficiency in the core
599 curricular content established in the Next Generation Sunshine
600 State Standards adopted under s. 1003.41, including the core
601 content knowledge and skills necessary for successful grade-to-
602 grade progression and high school graduation. If a student is
603 provided with instructional accommodations in the classroom that
604 are not allowable as accommodations in the statewide assessment
605 program, as described in the test manuals, the district must
606 inform the parent in writing and must provide the parent with
607 information regarding the impact on the student's ability to
608 meet expected proficiency levels in reading, writing, and
609 mathematics. The commissioner shall conduct studies as necessary

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610 to verify that the required core curricular content is part of
611 the district instructional programs.

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

616 10. The Department of Education must develop, or select,
617 and implement a common battery of assessment tools that will be
618 used in all juvenile justice programs in the state. These tools
619 must accurately measure the core curricular content established
620 in the Sunshine State Standards.

621 11. For students seeking a special diploma pursuant to s.
622 1003.438, the Department of Education must develop or select and
623 implement an alternate assessment tool that accurately measures
624 the core curricular content established in the Sunshine State
625 Standards for students with disabilities under s. 1003.438.

626 12. The Commissioner of Education shall establish schedules
627 for the administration of statewide assessments and the
628 reporting of student test results. The commissioner shall, by
629 August 1 of each year, notify each school district in writing
630 and publish on the department's Internet website the testing and
631 reporting schedules for, at a minimum, the school year following
632 the upcoming school year. The testing and reporting schedules
633 shall require that:

634 a. There is the latest possible administration of statewide
635 assessments and the earliest possible reporting to the school
636 districts of student test results which is feasible within
637 available technology and specific appropriations; however, test
638 results must be made available no later than the final day of

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639 the regular school year for students.

640 b. Beginning with the 2010-2011 school year, a
641 comprehensive statewide assessment of writing is not
642 administered earlier than the week of March 1 and a
643 comprehensive statewide assessment of any other subject is not
644 administered earlier than the week of April 15.

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

647
648 The commissioner may, based on collaboration and input from
649 school districts, design and implement student testing programs,
650 for any grade level and subject area, necessary to effectively
651 monitor educational achievement in the state, including the
652 measurement of educational achievement of the Sunshine State
653 Standards for students with disabilities. Development and
654 refinement of assessments shall include universal design
655 principles and accessibility standards that will prevent any
656 unintended obstacles for students with disabilities while
657 ensuring the validity and reliability of the test. These
658 principles should be applicable to all technology platforms and
659 assistive devices available for the assessments. The field
660 testing process and psychometric analyses for the statewide
661 assessment program must include an appropriate percentage of
662 students with disabilities and an evaluation or determination of
663 the effect of test items on such students.

664 (10) CONCORDANT SCORES FOR THE FCAT.—

665 ~~(b) In order to use a concordant subject area score~~
666 ~~pursuant to this subsection to satisfy the assessment~~
667 ~~requirement for a standard high school diploma as provided in s.~~

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668 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
669 ~~take each subject area of the grade 10 FCAT a total of three~~
670 ~~times without earning a passing score. The requirements of this~~
671 ~~paragraph shall not apply to a new student who enters the~~
672 ~~Florida public school system in grade 12, who may either achieve~~
673 ~~a passing score on the FCAT or use an approved subject area~~
674 ~~concordant score to fulfill the graduation requirement.~~

675 (b)~~(e)~~ The State Board of Education may define by rule the
676 allowable uses, other than to satisfy the high school graduation
677 requirement, for concordant scores as described in this
678 subsection. Such uses may include, but need not be limited to,
679 achieving appropriate standardized test scores required for the
680 awarding of Florida Bright Futures Scholarships and college
681 placement.

682 Section 9. Paragraph (b) of subsection (8) of section
683 1008.25, Florida Statutes, is amended to read:

684 1008.25 Public school student progression; remedial
685 instruction; reporting requirements.-

686 (8) ANNUAL REPORT.-

687 (b) Each district school board must annually publish in the
688 local newspaper or on the district school board's Internet
689 website, and report in writing to the State Board of Education
690 by October 1 ~~September 1~~ of each year, the following information
691 on the prior school year:

692 1. The provisions of this section relating to public school
693 student progression and the district school board's policies and
694 procedures on student retention and promotion.

695 2. By grade, the number and percentage of all students in
696 grades 3 through 10 performing at Levels 1 and 2 on the reading

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697 portion of the FCAT.

698 3. By grade, the number and percentage of all students
699 retained in grades 3 through 10.

700 4. Information on the total number of students who were
701 promoted for good cause, by each category of good cause as
702 specified in paragraph (6) (b).

703 5. Any revisions to the district school board's policy on
704 student retention and promotion from the prior year.

705 Section 10. Section 1008.33, Florida Statutes, is amended
706 to read:

707 (Substantial rewording of section.

708 See s. 1008.33, F.S., for present text.)

709 1008.33 Authority to enforce public school improvement.-

710 (1) The state system of educational accountability
711 requirements for public schools shall comply with the federal
712 Elementary and Secondary Education Act, 20 U.S.C. s. 6301, et
713 seq., and its implementing regulations if the State Board of
714 Education evaluates and determines that the Elementary and
715 Secondary Education Act, as amended, and its implementing
716 regulations are consistent with the following principles:

717 (a) The accountability system is applied equitably to all
718 public schools in the state;

719 (b) Florida residents are provided clear, simple, and
720 complementary measures that gauge the performance of the state's
721 public school system;

722 (c) The Department of Education provides the assurances
723 required by the federal Elementary and Secondary Education Act
724 in order to maintain federal funding and achieve federal program
725 authorization;

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726 (d) Roles and responsibilities are designated for improving
727 performance at the school, school district, and state levels;

728 (e) All children have a fair, equal, and significant
729 opportunity to obtain a high-quality education and reach, at a
730 minimum, proficiency on challenging academic achievement
731 standards and academic assessments;

732 (f) Schools are responsible for improving the academic
733 achievement of all students and for identifying and turning
734 around low-performing schools that have failed to provide a
735 high-quality education to their students;

736 (g) Resources are distributed and directed so as to make a
737 difference to school districts and schools in which needs are
738 the greatest;

739 (h) State assessments are improved and strengthened to
740 ensure that students are meeting academic achievement and
741 content standards and increasing achievement overall; and

742 (i) Student academic achievement is increased through
743 strategies, including, but not limited to, improving teacher and
744 principal quality and increasing the number of highly qualified
745 teachers in the classroom and highly qualified principals and
746 assistant principals in schools.

747 (2) (a) The State Board of Education shall hold all public
748 schools accountable for students performing at acceptable
749 levels. The State Board of Education is responsible for a system
750 of school improvement and accountability that assesses student
751 performance by school, identifies schools in which students are
752 not making adequate progress toward state standards, institutes
753 appropriate measures for enforcing improvement, and provides
754 rewards and sanctions based on performance.

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755 (b) The state system must provide uniform accountability
756 for all schools, provide greater schoolwide assistance, direct
757 support to schools in order to improve and sustain performance,
758 focus on the performance of student subgroups, and enhance
759 school performance.

760 (3) The academic performance of all students has a
761 significant effect on the state school system. Pursuant to Art.
762 IX of the State Constitution, which prescribes the duty of the
763 State Board of Education to supervise Florida's public school
764 system, the State Board of Education shall equitably enforce the
765 accountability requirements of the state school system and may
766 impose state requirements on school districts in order to
767 improve the academic performance of all districts, schools, and
768 students based upon the provisions of the Florida K-20 Education
769 Code, chapters 1000-1013.

770 (a) For the purpose of determining whether any public
771 school requires local or state action to achieve a sufficient
772 level of school improvement, the Department of Education shall
773 categorize a public school annually based on a school's grade,
774 pursuant to s. 1008.34, student performance, and the rate of
775 change in student performance in the areas of reading and
776 mathematics, disaggregated into student subgroups. Student
777 subgroups shall be based upon the subgroups set forth in 20
778 U.S.C. s. 6311(b) (2) (c) (v) (II). Schools are subject to
779 intervention strategies that address student performance,
780 including, but not limited to, improvement planning, leadership
781 quality, educator quality, professional development, curriculum
782 alignment and pacing, continuous improvement, and monitoring
783 plans and processes. The Department of Education may prescribe

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784 reporting requirements to review and monitor the progress of the
785 schools.

786 (b) The Department of Education shall apply the most
787 intense intervention strategies to the lowest performing
788 schools. The lowest performing schools are schools that:

789 1. Have received a grade of "F" in the most recent school
790 year and in 4 of the last 6 years; or

791 2. Have received a grade of "D" or "F" in the most recent
792 year and meet at least three of the following criteria:

793 a. The percentage of students who are not proficient in
794 reading has increased when compared to measurements taken 5
795 years previously;

796 b. The percentage of students who are not proficient in
797 mathematics has increased when compared to measurements taken 5
798 years previously;

799 c. At least 65 percent of the school's students are not
800 proficient in reading; or

801 d. At least 65 percent of the school's students are not
802 proficient in mathematics.

803 (4) (a) For a school identified in the category of lowest
804 performing schools, the school district must implement one of
805 the following options by the beginning of the second year after
806 such identification, unless the school exits the category
807 pursuant to subsection (5) before such time:

808 1. Convert the school to a district-managed turnaround
809 school;

810 2. Reassign students to another school and monitor progress
811 of reassigned students;

812 3. Close the school and authorize a sponsor to reopen the

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813 school as a charter school or multiple charter schools; or

814 4. Contract with an outside entity to operate the school.

815 (5) A school must make significant progress, as defined by
816 rule, in order to advance to another category after the
817 completion of the school year.

818 (6) (a) The State Board of Education may impose a public
819 reprimand upon a school district if the district deviates from
820 or fails to implement any of the provisions of its improvement
821 plan or this section.

822 (b) If the deviation or failure to comply is repeated,
823 continuous, or serious, the State Board of Education may
824 withhold the transfer of all state funds generated by the
825 students assigned to the school and allowable federal funds.

826 (7) The Department of Education shall immediately implement
827 the school improvement plan in accordance with this section.

828 (8) The State Board of Education shall adopt rules pursuant
829 to ss. 120.536(1) and 120.54 to implement this section by July
830 1, 2010.

831 Section 11. Paragraph (b) of subsection (3) of section
832 1008.34, Florida Statutes, is amended to read:

833 1008.34 School grading system; school report cards;
834 district grade.—

835 (3) DESIGNATION OF SCHOOL GRADES.—

836 (b)1. A school's grade shall be based on a combination of:

837 a. Student achievement scores, including achievement scores
838 for students seeking a special diploma; performance of
839 disaggregated student subgroups shall be included by the 2010-
840 2011 school year.

841 b. Student learning gains as measured by annual FCAT

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842 assessments in grades 3 through 10; learning gains for students
843 seeking a special diploma, as measured by an alternate
844 assessment tool, shall be included not later than the 2009-2010
845 school year.

846 c. Improvement of the lowest 25th percentile of students in
847 the school in reading, mathematics, or writing on the FCAT,
848 unless these students are exhibiting satisfactory performance.

849 2. Beginning with the 2009-2010 school year for schools
850 comprised of high school grades 9, 10, 11, and 12, or grades 10,
851 11, and 12, 50 percent of the school grade shall be based on a
852 combination of the factors listed in sub-subparagraphs 1.a.-c.
853 and the remaining 50 percent on the following factors:

854 a. The high school graduation rate of the school;

855 b. As valid data becomes available, the performance and
856 participation of the school's students in College Board Advanced
857 Placement courses, International Baccalaureate courses, dual
858 enrollment courses, and Advanced International Certificate of
859 Education courses; and the students' achievement of industry
860 certification, as determined by the Agency for Workforce
861 Innovation under s. 1003.492(2) in a career and professional
862 academy, as described in s. 1003.493;

863 c. Postsecondary readiness of the school's students as
864 measured by the SAT, ACT, or the common placement test;

865 d. The high school graduation rate of at-risk students who
866 scored at Level 2 or lower on the grade 8 FCAT Reading and
867 Mathematics examinations;

868 e. As valid data becomes available, the performance of the
869 school's students on statewide standardized end-of-course
870 assessments administered under s. 1008.22; and

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871 f. The growth or decline in the components listed in sub-
872 subparagraphs a.-e. from year to year.

873 Section 12. Subsection (4) of section 1008.36, Florida
874 Statutes, is amended to read:

875 1008.36 Florida School Recognition Program.—

876 (4) All selected schools shall receive financial awards
877 depending on the availability of funds appropriated and the
878 number and size of schools selected to receive an award. Funds
879 must be distributed to the school's fiscal agent and placed in
880 the school's account and must be used for purposes listed in
881 subsection (5) as determined jointly by the school's staff and
882 school advisory council. If school staff and the school advisory
883 council cannot reach agreement by February 1 ~~November 1~~, the
884 awards must be equally distributed to all classroom teachers
885 currently teaching in the school.

886

887 Notwithstanding statutory provisions to the contrary, incentive
888 awards are not subject to collective bargaining.

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