

By Senator Bullard

39-00249-09

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1 A bill to be entitled
2 An act relating to the Florida Comprehensive
3 Assessment Test; amending s. 1003.03, F.S.; removing
4 the requirement that a district school board adopt
5 policies for meeting class size maximums which allow a
6 student to graduate from high school if the student
7 passes the grade 10 FCAT; amending s. 1003.428, F.S.;
8 removing the requirement that a student earn a passing
9 score on the FCAT or alternative assessment to
10 graduate from high school; amending s. 1003.429, F.S.;
11 removing the requirement that a student pursuing an
12 accelerated 3-year high school graduation earn a
13 passing score on the FCAT or alternative assessment;
14 amending s. 1003.43, F.S.; conforming provisions to
15 changes made by the act; amending s. 1003.433, F.S.;
16 conforming provisions to changes made by the act
17 relating to out-of-state and out-of-country transfer
18 students and students needing additional instruction
19 to meet the requirements for high school graduation;
20 amending s. 1008.22, F.S.; conforming provisions to
21 changes made by the act relating to the statewide
22 assessment program; amending s. 1008.25, F.S.;
23 removing provisions relating to the mandatory
24 retention of a student in grade 3 who does not meet
25 the proficiency level required on the reading portion
26 of the FCAT; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (c) of subsection (3) of section
31 1003.03, Florida Statutes, is amended to read:

32 1003.03 Maximum class size.—

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

38 (c)1. Repeal district school board policies that require
39 students to have more than 24 credits to graduate from high
40 school.

41 2. Adopt policies that ~~to~~ allow students to ~~graduate from~~
42 ~~high school as soon as they pass the grade 10 FCAT and complete~~
43 the courses required for high school graduation.

44 Section 2. Subsection (4), paragraph (b) of subsection (7),
45 and subsection (8) of section 1003.428, Florida Statutes, are
46 amended to read:

47 1003.428 General requirements for high school graduation;
48 revised.—

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

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

53 ~~(b) Earning passing scores on the FCAT, as defined in s.~~
54 ~~1008.22(3)(c), or scores on a standardized test that are~~
55 ~~concordant with passing scores on the FCAT as defined in s.~~
56 ~~1008.22(10).~~

57 (b)(e) Completion of all other applicable requirements
58 prescribed by the district school board pursuant to s. 1008.25.

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59 (c)~~(d)~~ Achievement of a cumulative grade point average of
60 2.0 on a 4.0 scale, or its equivalent, in the courses required
61 by this section.

62
63 Each district school board shall adopt policies designed to
64 assist students in meeting the requirements of this subsection.
65 These policies may include, but are not limited to: forgiveness
66 policies, summer school or before or after school attendance,
67 special counseling, volunteers or peer tutors, school-sponsored
68 help sessions, homework hotlines, and study skills classes.
69 Forgiveness policies for required courses shall be limited to
70 replacing a grade of "D" or "F," or the equivalent of a grade of
71 "D" or "F," with a grade of "C" or higher, or the equivalent of
72 a grade of "C" or higher, earned subsequently in the same or
73 comparable course. Forgiveness policies for elective courses
74 shall be limited to replacing a grade of "D" or "F," or the
75 equivalent of a grade of "D" or "F," with a grade of "C" or
76 higher, or the equivalent of a grade of "C" or higher, earned
77 subsequently in another course. The only exception to these
78 forgiveness policies shall be made for a student in the middle
79 grades who takes any high school course for high school credit
80 and earns a grade of "C," "D," or "F" or the equivalent of a
81 grade of "C," "D," or "F." In such case, the district
82 forgiveness policy must allow the replacement of the grade with
83 a grade of "C" or higher, or the equivalent of a grade of "C" or
84 higher, earned subsequently in the same or comparable course. In
85 all cases of grade forgiveness, only the new grade shall be used
86 in the calculation of the student's grade point average. Any
87 course grade not replaced according to a district school board

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88 forgiveness policy shall be included in the calculation of the
89 cumulative grade point average required for graduation.

90 (7)

91 (b) A student who completes the minimum number of credits
92 and other requirements prescribed by subsections (1), (2), and
93 (3), but who is unable to meet the standards of paragraph (4) (b)
94 or, paragraph (4) (c), ~~or paragraph (4) (d)~~, shall be awarded a
95 certificate of completion in a form prescribed by the State
96 Board of Education. However, any student who is otherwise
97 entitled to a certificate of completion may elect to remain in
98 the secondary school either as a full-time student or a part-
99 time student for up to 1 additional year and receive special
100 instruction designed to remedy his or her identified
101 deficiencies.

102 (8) ~~(a)~~ Each district school board must provide instruction
103 to prepare students with disabilities to demonstrate proficiency
104 in the core content knowledge and skills necessary for
105 successful grade-to-grade progression and high school
106 graduation.

107 ~~(b) A student with a disability, as defined in s.~~
108 ~~1007.02(2), for whom the individual education plan (IEP)~~
109 ~~committee determines that the FCAT cannot accurately measure the~~
110 ~~student's abilities taking into consideration all allowable~~
111 ~~accommodations, shall have the FCAT requirement of paragraph~~
112 ~~(4) (b) waived for the purpose of receiving a standard high~~
113 ~~school diploma, if the student:~~

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

116 ~~2. Does not meet the requirements of paragraph (4) (b) after~~

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117 ~~one opportunity in 10th grade and one opportunity in 11th grade.~~

118 Section 3. Subsections (6), (7), and (8) of section
119 1003.429, Florida Statutes, are amended to read:

120 1003.429 Accelerated high school graduation options.-

121 (6) Students pursuing accelerated 3-year high school
122 graduation options pursuant to paragraph (1)(b) or paragraph
123 (1)(c) are required to:

124 ~~(a) Earn passing scores on the FCAT as defined in s.~~
125 ~~1008.22(3)(c) or scores on a standardized test that are~~
126 ~~concordant with passing scores on the FCAT as defined in s.~~
127 ~~1008.22(10).~~

128 (a)~~(b)~~1. Achieve a cumulative weighted grade point average
129 of 3.5 on a 4.0 scale, or its equivalent, in the courses
130 required for the college preparatory accelerated 3-year high
131 school graduation option pursuant to paragraph (1)(b); or

132 2. Achieve a cumulative weighted grade point average of 3.0
133 on a 4.0 scale, or its equivalent, in the courses required for
134 the career preparatory accelerated 3-year high school graduation
135 option pursuant to paragraph (1)(c).

136 (b)~~(e)~~ Receive a weighted or unweighted grade that earns at
137 least 3.0 points, or its equivalent, to earn course credit
138 toward the 18 credits required for the college preparatory
139 accelerated 3-year high school graduation option pursuant to
140 paragraph (1)(b).

141 (c)~~(d)~~ Receive a weighted or unweighted grade that earns at
142 least 2.0 points, or its equivalent, to earn course credit
143 toward the 18 credits required for the career preparatory
144 accelerated 3-year high school graduation option pursuant to
145 paragraph (1)(c).

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147 Weighted grades ~~referred to in paragraphs (b), (c), and (d)~~
148 shall be applied to those courses specifically listed or
149 identified by the department as rigorous pursuant to s.
150 1009.531(3) or weighted by the district school board for class
151 ranking purposes.

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

156 (a) The requirements that the student is not currently
157 meeting.

158 (b) The specific performance necessary in grade 11 for the
159 student to meet the accelerated graduation requirements.

160 (c) The right of the student to change to the 4-year
161 program set forth in s. 1003.43.

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

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

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

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

171 (c) ~~(d)~~ By the end of grade 11 does not meet the
172 requirements of subsections (1) and (6).

173 Section 4. Subsection (5), paragraph (b) of subsection
174 (10), and subsection (11) of section 1003.43, Florida Statutes,

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175 are amended to read:

176 1003.43 General requirements for high school graduation.—

177 (5) Each district school board shall establish standards
178 for graduation from its schools, and these standards must
179 include:

180 ~~(a) Earning passing scores on the FCAT, as defined in s.~~
181 ~~1008.22(3)(c), or scores on a standardized test that are~~
182 ~~concordant with passing scores on the FCAT as defined in s.~~
183 ~~1008.22(10).~~

184 (a) ~~(b)~~ Completion of all ~~other~~ applicable requirements
185 prescribed by the district school board pursuant to s. 1008.25.

186 (b) ~~(e)~~ Achievement of a cumulative grade point average of
187 1.5 on a 4.0 scale, or its equivalent, for students entering 9th
188 grade before the 1997-1998 school year; however, these students
189 must earn a cumulative grade point average of 2.0 on a 4.0
190 scale, or its equivalent, in the courses required by subsection
191 (1) which ~~that~~ are taken after July 1, 1997, or have an overall
192 cumulative grade point average of 2.0 or above.

193 (c) ~~(d)~~ Achievement of a cumulative grade point average of
194 2.0 on a 4.0 scale, or its equivalent, in the courses required
195 by subsection (1), for students entering 9th grade in the 1997-
196 1998 school year and thereafter.

197 (d) ~~(e)~~ For purposes of paragraphs (b) ~~(e)~~ and (c) ~~(d)~~:

198 1. Each district school board shall adopt policies designed
199 to assist students in meeting these requirements. These policies
200 may include, but are not limited to: forgiveness policies,
201 summer school or before or after school attendance, special
202 counseling, volunteer or ~~and/or~~ peer tutors, school-sponsored
203 help sessions, homework hotlines, and study skills classes.

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204 Beginning in the 2000-2001 school year and each year thereafter,
205 forgiveness policies for required courses shall be limited to
206 replacing a grade of "D" or "F," or the equivalent of a grade of
207 "D" or "F," with a grade of "C" or higher, or the equivalent of
208 a grade of "C" or higher, earned subsequently in the same or
209 comparable course. Forgiveness policies for elective courses
210 shall be limited to replacing a grade of "D" or "F," or the
211 equivalent of a grade of "D" or "F," with a grade of "C" or
212 higher, or the equivalent of a grade of "C" or higher, earned
213 subsequently in another course. Any course grade not replaced
214 according to a district school board forgiveness policy shall be
215 included in the calculation of the cumulative grade point
216 average required for graduation.

217 2. At the end of each semester, the parent of each student
218 in grades 9, 10, 11, and 12 who has a cumulative grade point
219 average of less than 0.5 above the cumulative grade point
220 average required for graduation shall be notified that the
221 student is at risk of not meeting the requirements for
222 graduation. The notice shall contain an explanation of the
223 policies the district school board has in place to assist the
224 student in meeting the grade point average requirement.

225 3. Special assistance to obtain a high school equivalency
226 diploma pursuant to s. 1003.435 may be given only if ~~when~~ the
227 student has completed all requirements for graduation except the
228 attainment of the required cumulative grade point average.

229
230 The standards required in this subsection, and any subsequent
231 modifications, shall be reprinted in the Florida Administrative
232 Code even though not defined as "rules."

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233 (10)

234 (b) A student who completes the minimum number of credits
235 and other requirements prescribed by subsections (1) and (4),
236 but who is unable to meet the standards of paragraph (5) (a) or
237 paragraph (5) (b), ~~or paragraph (5) (c)~~, shall be awarded a
238 certificate of completion in a form prescribed by the State
239 Board of Education. However, any student who is otherwise
240 entitled to a certificate of completion may elect to remain in
241 the secondary school either as a full-time student or a part-
242 time student for up to 1 additional year and receive special
243 instruction designed to remedy his or her identified
244 deficiencies.

245 (11) ~~(a)~~ Each district school board must provide instruction
246 to prepare students with disabilities to demonstrate proficiency
247 in the core content knowledge and skills necessary for
248 successful grade-to-grade progression and high school
249 graduation.

250 ~~(b) A student with a disability, as defined in s.~~
251 ~~1007.02(2), for whom the individual educational plan (IEP)~~
252 ~~committee determines that the FCAT cannot accurately measure the~~
253 ~~student's abilities taking into consideration all allowable~~
254 ~~accommodations, shall have the FCAT requirement of paragraph~~
255 ~~(5) (a) waived for the purpose of receiving a standard high~~
256 ~~school diploma, if the student:~~

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

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

261 Section 5. Section 1003.433, Florida Statutes, is amended

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262 to read:

263 1003.433 Learning opportunities for out-of-state and out-
264 of-country transfer students and students needing additional
265 instruction to meet high school graduation requirements.—

266 (1) A student ~~Students~~ who enters ~~enter~~ a Florida public
267 school at the eleventh or twelfth grade from out of state or
268 from a foreign country may ~~shall~~ not be required to spend
269 additional time in a Florida public school in order to meet the
270 high school course requirements if the student has met all
271 requirements of the school district, state, or country from
272 which he or she is transferring. A student ~~Such students~~ who is
273 ~~are~~ not proficient in English should receive immediate and
274 intensive instruction in English language acquisition. However,
275 to receive a standard high school diploma, the ~~a~~ transfer
276 student must earn a 2.0 grade point average ~~and pass the grade~~
277 ~~10 FCAT required in s. 1008.22(3) or an alternate assessment as~~
278 ~~described in s. 1008.22(10).~~

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

283 ~~(a) Participation in an accelerated high school equivalency~~
284 ~~diploma preparation program during the summer.~~

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

288 ~~(c) Participation in an adult general education program as~~
289 ~~provided in s. 1004.93 for such time as the student requires to~~
290 ~~master English, reading, mathematics, or any other subject~~

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291 ~~required for high school graduation. Students attending adult~~
292 ~~basic, adult secondary, or vocational preparatory instruction~~
293 ~~are exempt from any requirement for the payment of tuition and~~
294 ~~fees, including lab fees, pursuant to s. 1009.25. A student~~
295 ~~attending an adult general education program shall have the~~
296 ~~opportunity to take the grade 10 FCAT an unlimited number of~~
297 ~~times in order to receive a standard high school diploma.~~

298 ~~(3) Students who have been enrolled in an ESOL program for~~
299 ~~less than 2 school years and have met all requirements for the~~
300 ~~standard high school diploma except for passage of the grade 10~~
301 ~~FCAT or alternate assessment may receive immersion English~~
302 ~~language instruction during the summer following their senior~~
303 ~~year. Students receiving such instruction are eligible to take~~
304 ~~the FCAT or alternate assessment and receive a standard high~~
305 ~~school diploma upon passage of the grade 10 FCAT or the~~
306 ~~alternate assessment. This subsection shall be implemented to~~
307 ~~the extent funding is provided in the General Appropriations~~
308 ~~Act.~~

309 ~~(2)(4)~~ The district school superintendent shall notify ~~be~~
310 ~~responsible for notifying~~ all students of the consequences of
311 failing ~~failure~~ to receive a standard high school diploma,
312 including the potential ineligibility for financial assistance
313 at postsecondary educational institutions.

314 ~~(3)(5)~~ The State Board of Education may adopt rules
315 ~~pursuant to ss. 120.536(1) and 120.54~~ to administer this
316 section.

317 Section 6. Paragraph (c) of subsection (1), paragraph (c)
318 of subsection (3), and subsections (9) and (10) of section
319 1008.22, Florida Statutes, are amended to read:

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320 1008.22 Student assessment program for public schools.—

321 (1) PURPOSE.—The primary purposes of the student assessment
322 program are to provide information needed to improve the public
323 schools by enhancing the learning gains of all students and to
324 inform parents of the educational progress of their public
325 school children. The program must be designed to:

326 (c) Identify the educational strengths and needs of
327 students ~~and the readiness of students to be promoted to the~~
328 ~~next grade level or to graduate from high school with a standard~~
329 ~~or special high school diploma.~~

330 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
331 design and implement a statewide program of educational
332 assessment that provides information for the improvement of the
333 operation and management of the public schools, including
334 schools operating for the purpose of providing educational
335 services to youth in Department of Juvenile Justice programs.
336 The commissioner may enter into contracts for the continued
337 administration of the assessment, testing, and evaluation
338 programs authorized and funded by the Legislature. Contracts may
339 be initiated in 1 fiscal year and continue into the next and may
340 be paid from the appropriations of either or both fiscal years.
341 The commissioner is authorized to negotiate for the sale or
342 lease of tests, scoring protocols, test scoring services, and
343 related materials developed pursuant to law. Pursuant to the
344 statewide assessment program, the commissioner shall:

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

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349 science, and mathematics. Other content areas may be included as
350 directed by the commissioner. Comprehensive assessments of
351 reading and mathematics shall be administered annually in grades
352 3 through 10. Comprehensive assessments of writing and science
353 shall be administered at least once at the elementary, middle,
354 and high school levels. End-of-course assessments for a subject
355 may be administered in addition to the comprehensive assessments
356 required for that subject under this paragraph. An end-of-course
357 assessment must be rigorous, statewide, standardized, and
358 developed or approved by the department. The content knowledge
359 and skills assessed by comprehensive and end-of-course
360 assessments must be aligned to the core curricular content
361 established in the Sunshine State Standards. The commissioner
362 may select one or more nationally developed comprehensive
363 examinations, which may include, but need not be limited to,
364 examinations for a College Board Advanced Placement course,
365 International Baccalaureate course, or Advanced International
366 Certificate of Education course or industry-approved
367 examinations to earn national industry certifications as defined
368 in s. 1003.492, for use as end-of-course assessments under this
369 paragraph, if the commissioner determines that the content
370 knowledge and skills assessed by the examinations meet or exceed
371 the grade level expectations for the core curricular content
372 established for the course in the Next Generation Sunshine State
373 Standards. The commissioner may collaborate with the American
374 Diploma Project in the adoption or development of rigorous end-
375 of-course assessments that are aligned to the Next Generation
376 Sunshine State Standards. The testing program must be designed
377 as follows:

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378 1. The tests shall measure student skills and competencies
379 adopted by the State Board of Education as specified in
380 paragraph (a). The tests must measure and report ~~student~~
381 proficiency levels of all students assessed in reading, writing,
382 mathematics, and science. The commissioner shall provide for the
383 tests to be developed or obtained, as appropriate, through
384 contracts and project agreements with private vendors, public
385 vendors, public agencies, postsecondary educational
386 institutions, or school districts. The commissioner shall obtain
387 input with respect to the design and implementation of the
388 testing program from state educators, assistive technology
389 experts, and the public.

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

395 3. Beginning with the 2008-2009 school year, the
396 commissioner shall discontinue administration of the selected-
397 response test items on the comprehensive assessments of writing.
398 Beginning with the 2012-2013 school year, the comprehensive
399 assessments of writing shall be composed of a combination of
400 selected-response test items, short-response performance tasks,
401 and extended-response performance tasks, which shall measure a
402 student's content knowledge of writing, including, but not
403 limited to, paragraph and sentence structure, sentence
404 construction, grammar and usage, punctuation, capitalization,
405 spelling, parts of speech, verb tense, irregular verbs, subject-
406 verb agreement, and noun-pronoun agreement.

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

411 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~
412 ~~1003.43(11)(b), students must earn a passing score on the grade~~
413 ~~10 assessment test described in this paragraph or attain~~
414 ~~concordant scores as described in subsection (10) in reading,~~
415 ~~writing, and mathematics to qualify for a standard high school~~
416 ~~diploma. The State Board of Education shall designate a passing~~
417 ~~score for each part of the grade 10 assessment test. In~~
418 ~~establishing passing scores, the state board shall consider any~~
419 ~~possible negative impact of the test on minority students. The~~
420 ~~State Board of Education shall adopt rules which specify the~~
421 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~
422 ~~the effect of raising the required passing scores, shall apply~~
423 ~~only to students taking the grade 10 FCAT for the first time~~
424 ~~after such rules are adopted by the State Board of Education.~~

425 5.6. Participation in the testing program is mandatory for
426 all students attending public school, including students served
427 in Department of Juvenile Justice programs, except as otherwise
428 prescribed by the commissioner. If a student does not
429 participate in the statewide assessment, the district must
430 notify the student's parent and provide the parent with
431 information regarding the implications of such nonparticipation.
432 A parent must provide signed consent for a student to receive
433 classroom instructional accommodations that would not be
434 available or permitted on the statewide assessments and must
435 acknowledge in writing that he or she understands the

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436 implications of such instructional accommodations. The State
437 Board of Education shall adopt rules, based upon recommendations
438 of the commissioner, for the provision of test accommodations
439 for students in exceptional education programs and for students
440 who have limited English proficiency. Accommodations that negate
441 the validity of a statewide assessment are not permitted
442 ~~allowable~~ in the administration of the FCAT. However,
443 instructional accommodations are permitted ~~allowable~~ in the
444 classroom if included in a student's individual education plan.
445 ~~Students using instructional accommodations in the classroom~~
446 ~~that are not allowable as accommodations on the FCAT may have~~
447 ~~the FCAT requirement waived pursuant to the requirements of s.~~
448 ~~1003.428(8)(b) or s. 1003.43(11)(b).~~

449 ~~7. A student seeking an adult high school diploma must meet~~
450 ~~the same testing requirements that a regular high school student~~
451 ~~must meet.~~

452 ~~6.8.~~ District school boards must provide instruction to
453 prepare students to demonstrate proficiency in the core
454 curricular content established in the Next Generation Sunshine
455 State Standards adopted pursuant to ~~under~~ s. 1003.41, ~~including~~
456 ~~the core content knowledge and skills necessary for successful~~
457 ~~grade-to-grade progression and high school graduation.~~ If a
458 student is provided with instructional accommodations in the
459 classroom that are not permitted ~~allowable as accommodations~~ in
460 the statewide assessment program, as described in the test
461 manuals, the district must inform the parent in writing and must
462 provide the parent with information regarding the impact on the
463 student's ability to meet expected proficiency levels in
464 reading, writing, and mathematics. The commissioner shall

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465 conduct studies as necessary to verify that the required core
466 curricular content is part of the district instructional
467 programs.

468 7.9. District school boards must provide opportunities for
469 students to demonstrate an acceptable level of performance on an
470 alternative standardized assessment approved by the State Board
471 of Education following enrollment in summer academies.

472 ~~8.10.~~ The Department of Education must develop^r or select^r
473 and implement a common battery of assessment tools that will be
474 used in all juvenile justice programs in the state. These tools
475 must accurately measure the core curricular content established
476 in the Sunshine State Standards.

477 ~~9.11.~~ For students with disabilities who are seeking a
478 special diploma pursuant to s. 1003.438, the Department of
479 Education must develop or select and implement an alternate
480 assessment tool that accurately measures the core curricular
481 content established in the Sunshine State Standards ~~for students~~
482 ~~with disabilities under s. 1003.438.~~

483 ~~10.12.~~ The Commissioner of Education shall establish
484 schedules for the administration of statewide assessments and
485 the reporting of student test results. The commissioner shall,
486 by August 1 of each year, notify each school district in writing
487 and publish on the department's Internet website the testing and
488 reporting schedules for, at a minimum, the school year following
489 the upcoming school year. The testing and reporting schedules
490 must ~~shall~~ require that:

491 a. There is the latest possible administration of statewide
492 assessments and the earliest possible reporting to the school
493 districts of student test results which is feasible within

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494 available technology and specific appropriations; however, test
495 results must be made available no later than the final day of
496 the regular school year for students.

497 b. Beginning with the 2010-2011 school year, a
498 comprehensive statewide assessment of writing is not
499 administered earlier than the week of March 1 and a
500 comprehensive statewide assessment of any other subject is not
501 administered earlier than the week of April 15.

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

504

505 The commissioner may, based on collaboration and input from
506 school districts, design and implement student testing programs,
507 for any grade level and subject area, necessary to effectively
508 monitor educational achievement in the state, including the
509 measurement of educational achievement of the Sunshine State
510 Standards for students with disabilities. Development and
511 refinement of assessments shall include universal design
512 principles and accessibility standards that will prevent any
513 unintended obstacles for students with disabilities while
514 ensuring the validity and reliability of the test. These
515 principles must apply ~~should be applicable~~ to all technology
516 platforms and assistive devices available for the assessments.
517 The field testing process and psychometric analyses for the
518 statewide assessment program must include an appropriate
519 percentage of students with disabilities and an evaluation or
520 determination of the effect of test items on such students.

521 (9) APPLICABILITY OF TESTING STANDARDS.—

522 ~~(a)~~ If the Commissioner of Education revises a statewide

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523 assessment and the revisions require the State Board of
524 Education to modify the assessment's proficiency levels ~~or~~
525 ~~modify the passing scores required for a standard high school~~
526 ~~diploma~~, until the state board adopts the modifications by rule,
527 the commissioner shall use calculations for scoring the
528 assessment which adjust student scores on the revised assessment
529 for statistical equivalence to student scores on the former
530 assessment.

531 ~~(b) A student must attain the passing scores on the~~
532 ~~statewide assessment required for a standard high school diploma~~
533 ~~which are in effect at the time the student enters grade 9 if~~
534 ~~the student's enrollment is continuous.~~

535 ~~(c) If the commissioner revises a statewide assessment and~~
536 ~~the revisions require the State Board of Education to modify the~~
537 ~~passing scores required for a standard high school diploma, the~~
538 ~~commissioner may, with approval of the state board, discontinue~~
539 ~~administration of the former assessment upon the graduation,~~
540 ~~based on normal student progression, of students participating~~
541 ~~in the final regular administration of the former assessment.~~
542 ~~The state board shall adopt by rule passing scores for the~~
543 ~~revised assessment which are statistically equivalent to passing~~
544 ~~scores on the discontinued assessment for a student required~~
545 ~~under paragraph (b) to attain passing scores on the discontinued~~
546 ~~assessment.~~

547 (10) CONCORDANT SCORES FOR THE FCAT.—

548 (a) The State Board of Education shall analyze the content
549 and concordant data sets for widely used high school achievement
550 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
551 and College Placement Test, to assess if concordant scores for

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552 FCAT scores can be determined for ~~high school graduation,~~
553 college placement, and scholarship awards. In cases where
554 content alignment and concordant scores can be determined, the
555 Commissioner of Education ~~shall adopt those scores as meeting~~
556 ~~the graduation requirement in lieu of achieving the FCAT passing~~
557 ~~score and~~ may adopt those scores as being sufficient to achieve
558 additional purposes as determined by rule. Each time that test
559 content or scoring procedures change for the FCAT or for a high
560 school achievement test for which a concordant score is
561 determined, new concordant scores must be determined.

562 ~~(b) In order to use a concordant subject area score~~
563 ~~pursuant to this subsection to satisfy the assessment~~
564 ~~requirement for a standard high school diploma as provided in s.~~
565 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
566 ~~take each subject area of the grade 10 FCAT a total of three~~
567 ~~times without earning a passing score. The requirements of this~~
568 ~~paragraph shall not apply to a new student who enters the~~
569 ~~Florida public school system in grade 12, who may either achieve~~
570 ~~a passing score on the FCAT or use an approved subject area~~
571 ~~concordant score to fulfill the graduation requirement.~~

572 (b)(e) The State Board of Education may define by rule the
573 allowable uses, ~~other than to satisfy the high school graduation~~
574 ~~requirement,~~ for concordant scores as described in this
575 subsection. Such uses may include, but need not be limited to,
576 achieving appropriate standardized test scores required for the
577 awarding of Florida Bright Futures Scholarships and college
578 placement.

579 Section 7. Subsections (3), (5), (6), and (7) of section
580 1008.25, Florida Statutes, are amended to read:

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581 1008.25 Public school student progression; remedial
582 instruction; reporting requirements.-

583 (3) ALLOCATION OF RESOURCES.-District school boards shall
584 allocate remedial and supplemental instruction resources to
585 students ~~in the following priority:~~

586 ~~(a) Students who are deficient in reading by the end of~~
587 ~~grade 3.~~

588 ~~(b) Students~~ who fail to meet performance levels required
589 for promotion consistent with the district school board's plan
590 for student progression required in paragraph (2) (b).

591 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.-

592 (a) It is the ultimate goal of the Legislature that every
593 student read at or above grade level. Any student who exhibits a
594 substantial deficiency in reading, based upon locally determined
595 or statewide assessments ~~conducted in kindergarten or grade 1,~~
596 ~~grade 2, or grade 3,~~ or through teacher observations, must be
597 given intensive reading instruction immediately following the
598 identification of the reading deficiency. The student's reading
599 proficiency must be reassessed by locally determined assessments
600 or through teacher observations at the beginning of the grade
601 following the intensive reading instruction. The student must
602 continue to be provided with intensive reading instruction until
603 the reading deficiency is remedied.

604 ~~(b) Beginning with the 2002-2003 school year, if the~~
605 ~~student's reading deficiency, as identified in paragraph (a), is~~
606 ~~not remedied by the end of grade 3, as demonstrated by scoring~~
607 ~~at Level 2 or higher on the statewide assessment test in reading~~
608 ~~for grade 3, the student must be retained.~~

609 (b)(e) The parent of any student who exhibits a substantial

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610 deficiency in reading, as described in paragraph (a), must be
611 notified in writing of the following:

612 1. That his or her child has been identified as having a
613 substantial deficiency in reading.

614 2. A description of the current services that are provided
615 to the child.

616 3. A description of the proposed supplemental instructional
617 services and supports that will be provided to the child which
618 ~~that~~ are designed to remediate the identified area of reading
619 deficiency.

620 ~~4. That if the child's reading deficiency is not remediated~~
621 ~~by the end of grade 3, the child must be retained unless he or~~
622 ~~she is exempt from mandatory retention for good cause.~~

623 ~~4.5.~~ Strategies for parents to use in helping their child
624 succeed in reading proficiency.

625 ~~5.6.~~ That the Florida Comprehensive Assessment Test (FCAT)
626 is not the sole determiner of promotion and that additional
627 evaluations, portfolio reviews, and assessments are available to
628 the child to assist parents and the school district in knowing
629 when a child is reading at or above grade level and ready for
630 grade promotion.

631 ~~6.7.~~ The district's specific criteria and policies for
632 midyear promotion. Midyear promotion means promotion of a
633 retained student at any time during the year of retention once
634 the student has demonstrated ability to read at grade level.

635 (6) ELIMINATION OF SOCIAL PROMOTION.—

636 (a) A ~~No~~ student may not be assigned to a grade level based
637 solely on age or other factors that constitute social promotion.

638 (b) The district school board may only exempt a student

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639 students from mandatory retention, ~~as provided in paragraph~~
640 ~~(5)(b)~~, for good cause. An exemption for good cause exemptions
641 shall be limited to the following:

642 1. Limited English proficient students who have had less
643 than 2 years of instruction in an English for Speakers of Other
644 Languages program.

645 2. Students with disabilities whose individual education
646 plan indicates that participation in the statewide assessment
647 program is not appropriate, consistent with the requirements of
648 State Board of Education rule.

649 3. Students who demonstrate an acceptable level of
650 performance on an alternative standardized reading assessment
651 approved by the State Board of Education.

652 4. Students who demonstrate, through a student portfolio,
653 that the student is reading on grade level as evidenced by
654 demonstration of mastery of the Sunshine State Standards in
655 reading equal to at least a Level 2 performance on the FCAT.

656 5. Students with disabilities who participate in the FCAT
657 and who have an individual education plan or a Section 504 plan
658 that reflects that the student has received intensive
659 remediation in reading for more than 2 years but still
660 demonstrates a deficiency in reading and was previously retained
661 ~~in kindergarten, grade 1, grade 2, or grade 3.~~

662 6. Students who have received intensive remediation in
663 reading for 2 or more years but still demonstrate a deficiency
664 in reading and who were previously retained ~~in kindergarten,~~
665 ~~grade 1, grade 2, or grade 3~~ for a total of 2 years. Intensive
666 reading instruction for students so promoted must include an
667 altered instructional day that includes specialized diagnostic

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668 information and specific reading strategies for each student.
669 The district school board shall assist schools and teachers to
670 implement reading strategies that research has shown to be
671 successful in improving reading among low-performing readers.

672 (c) A request ~~Requests for exemption~~ ~~good cause exemptions~~
673 ~~for students from the mandatory retention requirement as~~
674 ~~described in subparagraphs (b)3. and 4.~~ shall be made consistent
675 with the following:

676 1. Documentation shall be submitted from the student's
677 teacher to the school principal which ~~that~~ indicates that the
678 promotion of the student is appropriate and is based upon the
679 student's academic record. In order to minimize paperwork
680 requirements, such documentation shall consist only of the
681 existing progress monitoring plan, individual educational plan,
682 if applicable, report card, or student portfolio.

683 2. The school principal shall review and discuss the ~~such~~
684 recommendation with the teacher and determine ~~make the~~
685 ~~determination as to~~ whether the student should be promoted or
686 retained. If the school principal determines that the student
687 should be promoted, the school principal shall recommend the
688 promotion ~~make such recommendation~~ in writing to the district
689 school superintendent. The district school superintendent shall
690 accept or reject the school principal's recommendation in
691 writing.

692 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

693 (a) A student who is ~~Students~~ ~~retained under the provisions~~
694 ~~of paragraph (5) (b)~~ must be provided intensive interventions in
695 reading to ameliorate the student's specific reading deficiency,
696 as identified by a valid and reliable diagnostic assessment.

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697 This intensive intervention must include effective instructional
698 strategies, participation in the school district's summer
699 reading camp, and appropriate teaching methodologies necessary
700 to assist the student ~~these students~~ in becoming a successful
701 reader who is ~~readers,~~ able to read at or above grade level, and
702 ready for promotion to the next grade.

703 (b) ~~Beginning with the 2004-2005 school year,~~ Each school
704 district shall:

705 1. Conduct a review of student progress monitoring plans
706 for all students who have not met the proficiency level required
707 ~~did not score above Level 1~~ on the reading portion of the FCAT
708 and did not meet the criteria for one of the ~~good cause~~
709 exemptions in paragraph (6) (b). The review must ~~shall~~ address
710 additional supports and services, as described in this
711 subsection, needed to remediate the identified areas of reading
712 deficiency. The school district shall require that a student
713 portfolio ~~to~~ be completed for each ~~such~~ student.

714 2. Provide a student ~~students~~ who is ~~are~~ retained ~~under the~~
715 ~~provisions of paragraph (5) (b)~~ with intensive instructional
716 services and supports to remediate the identified areas of
717 reading deficiency, including a minimum of 90 minutes of daily,
718 uninterrupted, scientifically research-based reading instruction
719 and other strategies prescribed by the school district, which
720 may include, but are not limited to:

- 721 a. Small group instruction.
722 b. Reduced teacher-student ratios.
723 c. More frequent progress monitoring.
724 d. Tutoring or mentoring.
725 e. Transitional ~~Transition~~ classes containing students who

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726 are in the same grade as the student and students who are in the
727 next grade level ~~containing 3rd and 4th grade students.~~

728 f. Extended school day, week, or year.

729 g. Summer reading camps.

730 3. Provide written notification to the parent of any
731 student who is retained ~~under the provisions of paragraph (5) (b)~~
732 that his or her child has not met the proficiency level required
733 for promotion and the reasons the child is not eligible for an a
734 ~~good cause~~ exemption for good cause as provided in paragraph
735 (6) (b). The notification must comply with the provisions of s.
736 1002.20(15) and must include a description of proposed
737 interventions and supports that will be provided to the child to
738 remediate the identified areas of reading deficiency.

739 4. Implement a policy for the midyear promotion of any
740 student who is retained and ~~under the provisions of paragraph~~
741 ~~(5) (b)~~ who can demonstrate that he or she is a successful and
742 independent reader, reading at or above grade level, and ready
743 to be promoted to the next grade level ~~to grade 4~~. Tools that
744 school districts may use in reevaluating any student retained
745 may include subsequent assessments, alternative assessments, and
746 portfolio reviews, in accordance with the rules of the State
747 Board of Education. Students promoted during the school year
748 after November 1 must demonstrate proficiency ~~above that~~
749 ~~required to score at Level 2 on the grade 3 FCAT,~~ as determined
750 by the State Board of Education. The State Board of Education
751 shall adopt standards that provide a reasonable expectation that
752 the student's progress is sufficient to master appropriate ~~4th~~
753 grade level reading skills.

754 5. Provide a student ~~students who is~~ are retained ~~under the~~

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755 ~~provisions of paragraph (5)(b)~~ with a high-performing teacher as
756 determined by student performance data and above-satisfactory
757 performance appraisals.

758 6. In addition to required reading enhancement and
759 acceleration strategies, provide parents of students who are ~~to~~
760 ~~be~~ retained with at least one of the following instructional
761 options:

762 a. Supplemental tutoring in scientifically research-based
763 reading services in addition to the regular reading block,
764 including tutoring before or ~~and/or~~ after school.

765 b. A "Read at Home" plan outlined in a parental contract,
766 including participation in "Families Building Better Readers
767 Workshops" and regular parent-guided home reading.

768 c. A mentor or tutor having ~~with~~ specialized reading
769 training.

770 7. Establish a Reading Enhancement and Acceleration
771 Development (READ) Initiative. The focus of the READ Initiative
772 shall be to prevent the retention of ~~grade 3~~ students and to
773 offer intensive accelerated reading instruction to ~~grade 3~~
774 students who failed to meet standards for promotion ~~to grade 4~~
775 and to each ~~K-3~~ student who is assessed as exhibiting a reading
776 deficiency. The READ Initiative shall:

777 a. Be provided to all ~~K-3~~ students at risk of retention as
778 identified by the statewide assessment system used in Reading
779 First schools. The assessment must measure phonemic awareness,
780 phonics, fluency, vocabulary, and comprehension.

781 b. Be provided during regular school hours in addition to
782 the regular reading instruction.

783 c. Provide a state-identified reading curriculum that has

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784 been reviewed by the Florida Center for Reading Research at
785 Florida State University and meets, at a minimum, the following
786 specifications:

787 (I) Assists a student who is ~~students~~ assessed as
788 exhibiting a reading deficiency in developing the ability to
789 read at grade level.

790 (II) Provides skill development in phonemic awareness,
791 phonics, fluency, vocabulary, and comprehension.

792 (III) Provides scientifically based and reliable
793 assessment.

794 (IV) Provides initial and ongoing analysis of the ~~each~~
795 student's reading progress.

796 (V) Is implemented during regular school hours.

797 (VI) Provides a curriculum in core academic subjects to
798 assist the student in maintaining or meeting proficiency levels
799 for the appropriate grade in all academic subjects.

800 8. Establish at each school, where applicable, an Intensive
801 Acceleration Class for retained ~~grade 3~~ students who do not meet
802 the proficiency level required ~~subsequently score at Level 1~~ on
803 the reading portion of the FCAT. The focus of the Intensive
804 Acceleration Class shall be to increase a child's reading level
805 at least two grade levels in 1 school year. The Intensive
806 Acceleration Class shall:

807 a. Be provided to any student ~~in grade 3~~ who does not meet
808 the proficiency level required ~~scores at Level 1~~ on the reading
809 portion of the FCAT and who was retained ~~in grade 3~~ the prior
810 year because the student did not meet the proficiency level
811 required ~~of scoring at Level 1~~ on the reading portion of the
812 FCAT.

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- 813 b. Have a reduced teacher-student ratio.
- 814 c. Provide uninterrupted reading instruction for the
815 majority of student contact time each day and incorporate
816 opportunities to master the appropriate grade level ~~grade 4~~
817 Sunshine State Standards in other core subject areas.
- 818 d. Use a reading program that is scientifically research-
819 based and has proven results in accelerating student reading
820 achievement within the same school year.
- 821 e. Provide intensive language and vocabulary instruction
822 using a scientifically research-based program, including use of
823 a speech-language therapist.
- 824 f. Include weekly progress monitoring measures to ensure
825 that progress is being made.
- 826 g. Report to the Department of Education, in the manner
827 described by the department, the progress of students in the
828 class at the end of the first semester.
- 829 9. Report to the State Board of Education, as requested, on
830 the specific intensive reading interventions and supports
831 implemented at the school district level. The Commissioner of
832 Education shall annually prescribe the required components of
833 requested reports.
- 834 10. Provide a student who has been retained ~~in grade 3~~ and
835 has received intensive instructional services but is still not
836 ready for grade promotion, as determined by the school district,
837 the option of being placed in a transitional instructional
838 setting. Such setting shall specifically be designed to produce
839 learning gains sufficient to meet appropriate grade level ~~grade~~
840 ~~4~~ performance standards while continuing to remediate the areas
841 of reading deficiency.

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Section 8. This act shall take effect July 1, 2009.