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

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Paragraph (c) of subsection (3) of section

29 | 1003.03, Florida Statutes, is amended to read:

30 |       1003.03 Maximum class size.--

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

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

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

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

45 |       1003.428 General requirements for high school graduation;  
46 | revised.--

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

49 |       (a) Successful completion of the academic credit or  
50 | curriculum requirements of subsections (1) and (2).

51 |       ~~(b) Earning passing scores on the FCAT, as defined in s.~~  
52 | ~~1008.22(3)(c), or scores on a standardized test that are~~  
53 | ~~concordant with passing scores on the FCAT as defined in s.~~  
54 | ~~1008.22(10).~~

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

57        (c) ~~(d)~~ Achievement of a cumulative grade point average of  
58 2.0 on a 4.0 scale, or its equivalent, in the courses required  
59 by this section.

60  
61 Each district school board shall adopt policies designed to  
62 assist students in meeting the requirements of this subsection.  
63 These policies may include, but are not limited to: forgiveness  
64 policies, summer school or before or after school attendance,  
65 special counseling, volunteer ~~volunteers~~ or peer tutors, school-  
66 sponsored help sessions, homework hotlines, and study skills  
67 classes. Forgiveness policies for required courses shall be  
68 limited to replacing a grade of "D" or "F," or the equivalent of  
69 a grade of "D" or "F," with a grade of "C" or higher, or the  
70 equivalent of a grade of "C" or higher, earned subsequently in  
71 the same or comparable course. Forgiveness policies for elective  
72 courses shall be limited to replacing a grade of "D" or "F," or  
73 the equivalent of a grade of "D" or "F," with a grade of "C" or  
74 higher, or the equivalent of a grade of "C" or higher, earned  
75 subsequently in another course. The only exception to these  
76 forgiveness policies shall be made for a student in the middle  
77 grades who takes any high school course for high school credit  
78 and earns a grade of "C," "D," or "F" or the equivalent of a  
79 grade of "C," "D," or "F." In such case, the district  
80 forgiveness policy must allow the replacement of the grade with  
81 a grade of "C" or higher, or the equivalent of a grade of "C" or  
82 higher, earned subsequently in the same or comparable course. In  
83 all cases of grade forgiveness, only the new grade shall be used  
84 in the calculation of the student's grade point average. Any

85 course grade not replaced according to a district school board  
 86 forgiveness policy shall be included in the calculation of the  
 87 cumulative grade point average required for graduation.

88 (7)

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

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

105 ~~(b) A student with a disability, as defined in s.~~  
 106 ~~1007.02(2), for whom the individual education plan (IEP)~~  
 107 ~~committee determines that the FCAT cannot accurately measure the~~  
 108 ~~student's abilities taking into consideration all allowable~~  
 109 ~~accommodations, shall have the FCAT requirement of paragraph~~  
 110 ~~(4) (b) waived for the purpose of receiving a standard high~~  
 111 ~~school diploma, if the student:~~

112 ~~1. Completes the minimum number of credits and other~~

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113 ~~requirements prescribed by subsections (1), (2), and (3).~~

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

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

119 1003.429 Accelerated high school graduation options.--

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

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

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

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

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

140 (c)~~(d)~~ Receive a weighted or unweighted grade that earns

141 at least 2.0 points, or its equivalent, to earn course credit  
 142 toward the 18 credits required for the career preparatory  
 143 accelerated 3-year high school graduation option pursuant to  
 144 paragraph (1)(c).

145  
 146 Weighted grades ~~referred to in paragraphs (b), (c), and (d)~~  
 147 shall be applied to those courses specifically listed or  
 148 identified by the department as rigorous pursuant to s.  
 149 1009.531(3) or weighted by the district school board for class  
 150 ranking purposes.

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

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

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

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

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

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

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

168 ~~(c) Does not achieve a score of 3 or higher on the grade~~

169 ~~10 FCAT Writing assessment; or~~

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

172 Section 4. Subsection (5), paragraph (b) of subsection  
173 (10), and subsection (11) of section 1003.43, Florida Statutes,  
174 are amended to read:

175 1003.43 General requirements for high school graduation.--

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

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

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

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

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

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

197           1. Each district school board shall adopt policies  
198 designed to assist students in meeting these requirements. These  
199 policies may include, but are not limited to: forgiveness  
200 policies, summer school or before or after school attendance,  
201 special counseling, volunteer or ~~and/or~~ peer tutors, school-  
202 sponsored help sessions, homework hotlines, and study skills  
203 classes. Beginning in the 2000-2001 school year and each year  
204 thereafter, forgiveness policies for required courses shall be  
205 limited to replacing a grade of "D" or "F," or the equivalent of  
206 a grade of "D" or "F," with a grade of "C" or higher, or the  
207 equivalent of a grade of "C" or higher, earned subsequently in  
208 the same or comparable course. Forgiveness policies for elective  
209 courses shall be limited to replacing a grade of "D" or "F," or  
210 the equivalent of a grade of "D" or "F," with a grade of "C" or  
211 higher, or the equivalent of a grade of "C" or higher, earned  
212 subsequently in another course. Any course grade not replaced  
213 according to a district school board forgiveness policy shall be  
214 included in the calculation of the cumulative grade point  
215 average required for graduation.

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

224           3. Special assistance to obtain a high school equivalency

225 diploma pursuant to s. 1003.435 may be given only if ~~when~~ the  
 226 student has completed all requirements for graduation except the  
 227 attainment of the required cumulative grade point average.

228  
 229 The standards required in this subsection, and any subsequent  
 230 modifications, shall be reprinted in the Florida Administrative  
 231 Code even though not defined as "rules."

232 (10)

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

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

249 ~~(b) A student with a disability, as defined in s.~~  
 250 ~~1007.02(2), for whom the individual educational plan (IEP)~~  
 251 ~~committee determines that the FCAT cannot accurately measure the~~  
 252 ~~student's abilities taking into consideration all allowable~~

253 accommodations, shall have the FCAT requirement of paragraph  
 254 (5)(a) waived for the purpose of receiving a standard high  
 255 school diploma, if the student:

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

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

261 Section 5. Section 1003.433, Florida Statutes, is amended  
 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~~  
 280 ~~standard high school diploma except for passage of the grade 10~~

281 ~~FCAT or an alternate assessment by the end of grade 12 must be~~  
 282 ~~provided the following learning opportunities:~~

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

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

289 ~~(c) Participation in an adult general education program as~~  
 290 ~~provided in s. 1004.93 for such time as the student requires to~~  
 291 ~~master English, reading, mathematics, or any other subject~~  
 292 ~~required for high school graduation. Students attending adult~~  
 293 ~~basic, adult secondary, or vocational preparatory instruction~~  
 294 ~~are exempt from any requirement for the payment of tuition and~~  
 295 ~~fees, including lab fees, pursuant to s. 1009.25. A student~~  
 296 ~~attending an adult general education program shall have the~~  
 297 ~~opportunity to take the grade 10 FCAT an unlimited number of~~  
 298 ~~times in order to receive a standard high school diploma.~~

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

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309 ~~Act.~~

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

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

318 Section 6. Paragraph (c) of subsection (1), paragraph (c)  
319 of subsection (3), and subsections (6), (9), and (10) of section  
320 1008.22, Florida Statutes, are amended to read:

321 1008.22 Student assessment program for public schools.--

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

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

331 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
332 design and implement a statewide program of educational  
333 assessment that provides information for the improvement of the  
334 operation and management of the public schools, including  
335 schools operating for the purpose of providing educational  
336 services to youth in Department of Juvenile Justice programs.

337 The commissioner may enter into contracts for the continued  
338 administration of the assessment, testing, and evaluation  
339 programs authorized and funded by the Legislature. Contracts may  
340 be initiated in 1 fiscal year and continue into the next and may  
341 be paid from the appropriations of either or both fiscal years.

342 The commissioner is authorized to negotiate for the sale or  
343 lease of tests, scoring protocols, test scoring services, and  
344 related materials developed pursuant to law. Pursuant to the  
345 statewide assessment program, the commissioner shall:

346 (c) Develop and implement a student achievement testing  
347 program known as the Florida Comprehensive Assessment Test  
348 (FCAT) as part of the statewide assessment program to measure a  
349 student's content knowledge and skills in reading, writing,  
350 science, and mathematics. Other content areas may be included as  
351 directed by the commissioner. Comprehensive assessments of  
352 reading and mathematics shall be administered annually in grades  
353 3 through 10. Comprehensive assessments of writing and science  
354 shall be administered at least once at the elementary, middle,  
355 and high school levels. End-of-course assessments for a subject  
356 may be administered in addition to the comprehensive assessments  
357 required for that subject under this paragraph. An end-of-course  
358 assessment must be rigorous, statewide, standardized, and  
359 developed or approved by the department. The content knowledge  
360 and skills assessed by comprehensive and end-of-course  
361 assessments must be aligned to the core curricular content  
362 established in the Sunshine State Standards. The commissioner  
363 may select one or more nationally developed comprehensive  
364 examinations, which may include, but need not be limited to,

365 examinations for a College Board Advanced Placement course,  
366 International Baccalaureate course, or Advanced International  
367 Certificate of Education course or industry-approved  
368 examinations to earn national industry certifications as defined  
369 in s. 1003.492, for use as end-of-course assessments under this  
370 paragraph, if the commissioner determines that the content  
371 knowledge and skills assessed by the examinations meet or exceed  
372 the grade level expectations for the core curricular content  
373 established for the course in the Next Generation Sunshine State  
374 Standards. The commissioner may collaborate with the American  
375 Diploma Project in the adoption or development of rigorous end-  
376 of-course assessments that are aligned to the Next Generation  
377 Sunshine State Standards. The testing program must be designed  
378 as follows:

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

391 2. The testing program shall be composed of criterion-  
392 referenced tests that shall, to the extent determined by the

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393 commissioner, include test items that require the student to  
394 produce information or perform tasks in such a way that the core  
395 content knowledge and skills he or she uses can be measured.

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

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

412 ~~5. Except as provided in s. 1003.428(8)(b) or s.~~  
413 ~~1003.43(11)(b), students must earn a passing score on the grade~~  
414 ~~10 assessment test described in this paragraph or attain~~  
415 ~~concordant scores as described in subsection (10) in reading,~~  
416 ~~writing, and mathematics to qualify for a standard high school~~  
417 ~~diploma. The State Board of Education shall designate a passing~~  
418 ~~score for each part of the grade 10 assessment test. In~~  
419 ~~establishing passing scores, the state board shall consider any~~  
420 ~~possible negative impact of the test on minority students. The~~

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421 ~~State Board of Education shall adopt rules which specify the~~  
422 ~~passing scores for the grade 10 FCAT. Any such rules, which have~~  
423 ~~the effect of raising the required passing scores, shall apply~~  
424 ~~only to students taking the grade 10 FCAT for the first time~~  
425 ~~after such rules are adopted by the State Board of Education.~~

426 5.6. Participation in the testing program is mandatory for  
427 all students attending public school, including students served  
428 in Department of Juvenile Justice programs, except as otherwise  
429 prescribed by the commissioner. If a student does not  
430 participate in the statewide assessment, the district must  
431 notify the student's parent and provide the parent with  
432 information regarding the implications of such nonparticipation.  
433 A parent must provide signed consent for a student to receive  
434 classroom instructional accommodations that would not be  
435 available or permitted on the statewide assessments and must  
436 acknowledge in writing that he or she understands the  
437 implications of such instructional accommodations. The State  
438 Board of Education shall adopt rules, based upon recommendations  
439 of the commissioner, for the provision of test accommodations  
440 for students in exceptional education programs and for students  
441 who have limited English proficiency. Accommodations that negate  
442 the validity of a statewide assessment are not permitted  
443 ~~allowable~~ in the administration of the FCAT. However,  
444 instructional accommodations are permitted ~~allowable~~ in the  
445 classroom if included in a student's individual education plan.  
446 ~~Students using instructional accommodations in the classroom~~  
447 ~~that are not allowable as accommodations on the FCAT may have~~  
448 ~~the FCAT requirement waived pursuant to the requirements of s.~~

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449 ~~1003.428(8)(b) or s. 1003.43(11)(b).~~

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

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

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

473 8.10. The Department of Education must develop~~7~~ or select~~7~~  
474 and implement a common battery of assessment tools that will be  
475 used in all juvenile justice programs in the state. These tools  
476 must accurately measure the core curricular content established

477 in the Sunshine State Standards.

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

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

492 a. There is the latest possible administration of  
493 statewide assessments and the earliest possible reporting to the  
494 school districts of student test results which is feasible  
495 within available technology and specific appropriations;  
496 however, test results must be made available no later than the  
497 final day of the regular school year for students.

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

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

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

522 (6) SCHOOL TESTING PROGRAMS.--Each public school shall  
523 participate in the statewide assessment program in accordance  
524 with the testing and reporting schedules published by the  
525 Commissioner of Education under subparagraph (3)(c) 10.12. ~~10.12.~~ unless  
526 specifically exempted by state board rule based on serving a  
527 specialized population for which standardized testing is not  
528 appropriate. Student performance data shall be analyzed and  
529 reported to parents, the community, and the state. Student  
530 performance data shall be used in developing objectives of the  
531 school improvement plan, evaluation of instructional personnel,  
532 evaluation of administrative personnel, assignment of staff,

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533 allocation of resources, acquisition of instructional materials  
534 and technology, performance-based budgeting, and promotion and  
535 assignment of students into educational programs. The analysis  
536 of student performance data also must identify strengths and  
537 needs in the educational program and trends over time. The  
538 analysis must be used in conjunction with the budgetary planning  
539 processes developed pursuant to s. 1008.385 and the development  
540 of the programs of remediation.

541 (9) APPLICABILITY OF TESTING STANDARDS.--

542 ~~(a)~~ If the Commissioner of Education revises a statewide  
543 assessment and the revisions require the State Board of  
544 Education to modify the assessment's proficiency levels ~~or~~  
545 ~~modify the passing scores required for a standard high school~~  
546 ~~diploma~~, until the state board adopts the modifications by rule,  
547 the commissioner shall use calculations for scoring the  
548 assessment which adjust student scores on the revised assessment  
549 for statistical equivalence to student scores on the former  
550 assessment.

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

555 ~~(c)~~ ~~If the commissioner revises a statewide assessment and~~  
556 ~~the revisions require the State Board of Education to modify the~~  
557 ~~passing scores required for a standard high school diploma, the~~  
558 ~~commissioner may, with approval of the state board, discontinue~~  
559 ~~administration of the former assessment upon the graduation,~~  
560 ~~based on normal student progression, of students participating~~

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561 ~~in the final regular administration of the former assessment.~~  
562 ~~The state board shall adopt by rule passing scores for the~~  
563 ~~revised assessment which are statistically equivalent to passing~~  
564 ~~scores on the discontinued assessment for a student required~~  
565 ~~under paragraph (b) to attain passing scores on the discontinued~~  
566 ~~assessment.~~

567 (10) CONCORDANT SCORES FOR THE FCAT.--

568 (a) The State Board of Education shall analyze the content  
569 and concordant data sets for widely used high school achievement  
570 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
571 and College Placement Test, to assess if concordant scores for  
572 FCAT scores can be determined for ~~high school graduation,~~  
573 ~~college placement,~~ and scholarship awards. In cases where  
574 content alignment and concordant scores can be determined, the  
575 Commissioner of Education ~~shall adopt those scores as meeting~~  
576 ~~the graduation requirement in lieu of achieving the FCAT passing~~  
577 ~~score and~~ may adopt those scores as being sufficient to achieve  
578 additional purposes as determined by rule. Each time that test  
579 content or scoring procedures change for the FCAT or for a high  
580 school achievement test for which a concordant score is  
581 determined, new concordant scores must be determined.

582 ~~(b) In order to use a concordant subject area score~~  
583 ~~pursuant to this subsection to satisfy the assessment~~  
584 ~~requirement for a standard high school diploma as provided in s.~~  
585 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~  
586 ~~take each subject area of the grade 10 FCAT a total of three~~  
587 ~~times without earning a passing score. The requirements of this~~  
588 ~~paragraph shall not apply to a new student who enters the~~

589 ~~Florida public school system in grade 12, who may either achieve~~  
 590 ~~a passing score on the FCAT or use an approved subject area~~  
 591 ~~concordant score to fulfill the graduation requirement.~~

592 (b) ~~(e)~~ The State Board of Education may define by rule the  
 593 allowable uses, ~~other than to satisfy the high school graduation~~  
 594 ~~requirement,~~ for concordant scores as described in this  
 595 subsection. Such uses may include, but need not be limited to,  
 596 achieving appropriate standardized test scores required for the  
 597 awarding of Florida Bright Futures Scholarships and college  
 598 placement.

599 Section 7. Subsections (3), (5), (6), and (7) of section  
 600 1008.25, Florida Statutes, are amended to read:

601 1008.25 Public school student progression; remedial  
 602 instruction; reporting requirements.--

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

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

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

611 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

612 (a) It is the ultimate goal of the Legislature that every  
 613 student read at or above grade level. Any student who exhibits a  
 614 substantial deficiency in reading, based upon locally determined  
 615 or statewide assessments ~~conducted in kindergarten or grade 1,~~  
 616 ~~grade 2, or grade 3,~~ or through teacher observations, must be

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617 given intensive reading instruction immediately following the  
618 identification of the reading deficiency. The student's reading  
619 proficiency must be reassessed by locally determined assessments  
620 or through teacher observations at the beginning of the grade  
621 following the intensive reading instruction. The student must  
622 continue to be provided with intensive reading instruction until  
623 the reading deficiency is remedied.

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

629 (b)(e) The parent of any student who exhibits a  
630 substantial deficiency in reading, as described in paragraph  
631 (a), must be notified in writing of the following:

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

634 2. A description of the current services that are provided  
635 to the child.

636 3. A description of the proposed supplemental  
637 instructional services and supports that will be provided to the  
638 child which ~~that~~ are designed to remediate the identified area  
639 of reading deficiency.

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

644 4.5. Strategies for parents to use in helping their child

645 succeed in reading proficiency.

646 ~~5.6.~~ That the Florida Comprehensive Assessment Test (FCAT)  
 647 is not the sole determiner of promotion and that additional  
 648 evaluations, portfolio reviews, and assessments are available to  
 649 the child to assist parents and the school district in knowing  
 650 when a child is reading at or above grade level and ready for  
 651 grade promotion.

652 ~~6.7.~~ The district's specific criteria and policies for  
 653 midyear promotion. Midyear promotion means promotion of a  
 654 retained student at any time during the year of retention once  
 655 the student has demonstrated ability to read at grade level.

656 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

660 (b) The district school board may only exempt a student  
 661 ~~students~~ from ~~mandatory~~ retention, ~~as provided in paragraph~~  
 662 ~~(5)(b),~~ for good cause. An exemption for good cause ~~exemptions~~  
 663 shall be limited to the following:

664 1. Limited English proficient students who have had less  
 665 than 2 years of instruction in an English for Speakers of Other  
 666 Languages program.

667 2. Students with disabilities whose individual education  
 668 plan indicates that participation in the statewide assessment  
 669 program is not appropriate, consistent with the requirements of  
 670 State Board of Education rule.

671 3. Students who demonstrate an acceptable level of  
 672 performance on an alternative standardized reading assessment

673 approved by the State Board of Education.

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

678 5. Students with disabilities who participate in the FCAT  
 679 and who have an individual education plan or a Section 504 plan  
 680 that reflects that the student has received intensive  
 681 remediation in reading for more than 2 years but still  
 682 demonstrates a deficiency in reading and was previously retained  
 683 ~~in kindergarten, grade 1, grade 2, or grade 3.~~

684 6. Students who have received intensive remediation in  
 685 reading for 2 or more years but still demonstrate a deficiency  
 686 in reading and who were previously retained ~~in kindergarten,~~  
 687 ~~grade 1, grade 2, or grade 3~~ for a total of 2 years. Intensive  
 688 reading instruction for students so promoted must include an  
 689 altered instructional day that includes specialized diagnostic  
 690 information and specific reading strategies for each student.  
 691 The district school board shall assist schools and teachers to  
 692 implement reading strategies that research has shown to be  
 693 successful in improving reading among low-performing readers.

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

698 1. Documentation shall be submitted from the student's  
 699 teacher to the school principal which ~~that~~ indicates that the  
 700 promotion of the student is appropriate and is based upon the

701 student's academic record. In order to minimize paperwork  
 702 requirements, such documentation shall consist only of the  
 703 existing progress monitoring plan, individual educational plan,  
 704 if applicable, report card, or student portfolio.

705 2. The school principal shall review and discuss ~~the such~~  
 706 recommendation with the teacher and determine ~~make the~~  
 707 ~~determination as to~~ whether the student should be promoted or  
 708 retained. If the school principal determines that the student  
 709 should be promoted, the school principal shall recommend the  
 710 promotion ~~make such recommendation~~ in writing to the district  
 711 school superintendent. The district school superintendent shall  
 712 accept or reject the school principal's recommendation in  
 713 writing.

714 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

715 (a) A student who is ~~Students retained under the~~  
 716 ~~provisions of paragraph (5) (b)~~ must be provided intensive  
 717 interventions in reading to ameliorate the student's specific  
 718 reading deficiency, as identified by a valid and reliable  
 719 diagnostic assessment. This intensive intervention must include  
 720 effective instructional strategies, participation in the school  
 721 district's summer reading camp, and appropriate teaching  
 722 methodologies necessary to assist the student ~~those students~~ in  
 723 becoming a successful reader who is ~~readers,~~ able to read at or  
 724 above grade level, and ready for promotion to the next grade.

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

727 1. Conduct a review of student progress monitoring plans  
 728 for all students who have not met the proficiency level required

729 ~~did not score above Level 1~~ on the reading portion of the FCAT  
 730 and did not meet the criteria for one of the ~~good cause~~  
 731 exemptions in paragraph (6) (b). The review must ~~shall~~ address  
 732 additional supports and services, as described in this  
 733 subsection, needed to remediate the identified areas of reading  
 734 deficiency. The school district shall require that a student  
 735 portfolio ~~to~~ be completed for each ~~such~~ student.

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

- 743 a. Small group instruction.
- 744 b. Reduced teacher-student ratios.
- 745 c. More frequent progress monitoring.
- 746 d. Tutoring or mentoring.
- 747 e. Transitional ~~Transition~~ classes containing students who  
 748 are in the same grade as the student and students who are in the  
 749 next grade level ~~containing 3rd and 4th grade students.~~
- 750 f. Extended school day, week, or year.
- 751 g. Summer reading camps.

752 3. Provide written notification to the parent of any  
 753 student who is retained ~~under the provisions of paragraph (5) (b)~~  
 754 that his or her child has not met the proficiency level required  
 755 for promotion and the reasons the child is not eligible for an a  
 756 ~~good cause~~ exemption for good cause as provided in paragraph

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757 (6) (b). The notification must comply with the provisions of s.  
758 1002.20(15) and must include a description of proposed  
759 interventions and supports that will be provided to the child to  
760 remediate the identified areas of reading deficiency.

761 4. Implement a policy for the midyear promotion of any  
762 student who is retained and ~~under the provisions of paragraph~~  
763 ~~(5) (b)~~ who can demonstrate that he or she is a successful and  
764 independent reader, reading at or above grade level, and ready  
765 to be promoted to the next grade level ~~to grade 4~~. Tools that  
766 school districts may use in reevaluating any student retained  
767 may include subsequent assessments, alternative assessments, and  
768 portfolio reviews, in accordance with the rules of the State  
769 Board of Education. Students promoted during the school year  
770 after November 1 must demonstrate proficiency ~~above that~~  
771 ~~required to score at Level 2 on the grade 3 FCAT~~, as determined  
772 by the State Board of Education. The State Board of Education  
773 shall adopt standards that provide a reasonable expectation that  
774 the student's progress is sufficient to master appropriate ~~4th~~  
775 grade level reading skills.

776 5. Provide a student ~~students who is~~ are retained ~~under~~  
777 ~~the provisions of paragraph (5) (b)~~ with a high-performing  
778 teacher as determined by student performance data and above-  
779 satisfactory performance appraisals.

780 6. In addition to required reading enhancement and  
781 acceleration strategies, provide parents of students who are ~~to~~  
782 ~~be~~ retained with at least one of the following instructional  
783 options:

784 a. Supplemental tutoring in scientifically research-based

785 reading services in addition to the regular reading block,  
 786 including tutoring before or ~~and/or~~ after school.

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

790 c. A mentor or tutor having ~~with~~ specialized reading  
 791 training.

792 7. Establish a Reading Enhancement and Acceleration  
 793 Development (READ) Initiative. The focus of the READ Initiative  
 794 shall be to prevent the retention of ~~grade-3~~ students and to  
 795 offer intensive accelerated reading instruction to ~~grade-3~~  
 796 students who failed to meet standards for promotion ~~to grade-4~~  
 797 and to each ~~K-3~~ student who is assessed as exhibiting a reading  
 798 deficiency. The READ Initiative shall:

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

803 b. Be provided during regular school hours in addition to  
 804 the regular reading instruction.

805 c. Provide a state-identified reading curriculum that has  
 806 been reviewed by the Florida Center for Reading Research at  
 807 Florida State University and meets, at a minimum, the following  
 808 specifications:

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

812 (II) Provides skill development in phonemic awareness,

813 phonics, fluency, vocabulary, and comprehension.

814 (III) Provides scientifically based and reliable  
815 assessment.

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

818 (V) Is implemented during regular school hours.

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

822 8. Establish at each school, where applicable, an  
823 Intensive Acceleration Class for retained ~~grade 3~~ students who  
824 do not meet the proficiency level required ~~subsequently score at~~  
825 ~~Level 1~~ on the reading portion of the FCAT. The focus of the  
826 Intensive Acceleration Class shall be to increase a child's  
827 reading level at least two grade levels in 1 school year. The  
828 Intensive Acceleration Class shall:

829 a. Be provided to any student ~~in grade 3~~ who does not meet  
830 the proficiency level required ~~scores at Level 1~~ on the reading  
831 portion of the FCAT and who was retained ~~in grade 3~~ the prior  
832 year because the student did not meet the proficiency level  
833 required ~~of scoring at Level 1~~ on the reading portion of the  
834 FCAT.

835 b. Have a reduced teacher-student ratio.

836 c. Provide uninterrupted reading instruction for the  
837 majority of student contact time each day and incorporate  
838 opportunities to master the appropriate grade level ~~grade 4~~  
839 Sunshine State Standards in other core subject areas.

840 d. Use a reading program that is scientifically research-

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841 based and has proven results in accelerating student reading  
842 achievement within the same school year.

843 e. Provide intensive language and vocabulary instruction  
844 using a scientifically research-based program, including use of  
845 a speech-language therapist.

846 f. Include weekly progress monitoring measures to ensure  
847 that progress is being made.

848 g. Report to the Department of Education, in the manner  
849 described by the department, the progress of students in the  
850 class at the end of the first semester.

851 9. Report to the State Board of Education, as requested,  
852 on the specific intensive reading interventions and supports  
853 implemented at the school district level. The Commissioner of  
854 Education shall annually prescribe the required components of  
855 requested reports.

856 10. Provide a student who has been retained ~~in grade 3~~ and  
857 has received intensive instructional services but is still not  
858 ready for grade promotion, as determined by the school district,  
859 the option of being placed in a transitional instructional  
860 setting. Such setting shall specifically be designed to produce  
861 learning gains sufficient to meet appropriate grade level ~~grade~~  
862 ~~4~~ performance standards while continuing to remediate the areas  
863 of reading deficiency.

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