

1 A bill to be entitled
2 An act relating to student achievement; amending s.
3 1003.413, F.S.; redefining the term "secondary school" to
4 no longer include an elementary school serving students
5 through grade 6 only; deleting the requirement that the
6 Commissioner of Education create and implement the
7 Secondary School Improvement Award Program; amending s.
8 1003.4156, F.S.; revising provisions relating to the
9 general requirements for middle grades promotion;
10 providing an exception; amending s. 1003.428, F.S.;
11 revising provisions relating to the general requirements
12 for high school graduation; providing exceptions; amending
13 s. 1003.429, F.S.; updating references to general
14 requirements for high school graduation; revising the
15 credits for certain courses required under the 3-year
16 standard college preparatory program which apply to
17 students who enter grade 9 in the 2009-2010 school year;
18 amending s. 1003.433, F.S.; providing that a student who
19 enters middle school at the eighth grade from out of state
20 or from a foreign country is not required to spend
21 additional time in school to meet the requirements for
22 middle grades promotion under certain circumstances;
23 amending s. 1003.621, F.S.; requiring that the State Board
24 of Education annually designate districts as academically
25 high-performing schools districts if certain criteria are
26 met; revising the information that an academically high-
27 performing school district must include in its annual
28 report to the State Board of Education and the

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29 | Legislature; amending s. 1008.22, F.S.; providing that
30 | concordant scores earned before taking the grade 10 FCAT
31 | may not be used to qualify for a standard high school
32 | diploma; providing requirements for retake of the
33 | assessment for a student who has not earned passing scores
34 | on the grade 10 FCAT; deleting provisions relating to
35 | concordant scores for the FCAT; amending s. 1008.25, F.S.;
36 | revising annual district school board reporting
37 | requirements relating to student progress; amending s.
38 | 1008.36, F.S.; revising the date for agreement for
39 | distribution of Florida School Recognition Program awards;
40 | providing an effective date.

41 |
42 | Be It Enacted by the Legislature of the State of Florida:

43 |
44 | Section 1. Subsections (1) and (5) of section 1003.413,
45 | Florida Statutes, are amended to read:

46 | 1003.413 Florida Secondary School Redesign Act.--

47 | (1) For purposes of this section, the term "secondary
48 | school" means a school that serves ~~Secondary schools are schools~~
49 | ~~that primarily serve~~ students in grades 6 through 12. A
50 | secondary school does not include an elementary school serving
51 | students only through grade 6. It is the intent of the
52 | Legislature to provide for secondary school redesign so that
53 | students promoted from the 8th grade have the necessary academic
54 | skills for success in high school and students graduating from
55 | high school have the necessary skills for success in the
56 | workplace and postsecondary education.

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57 ~~(5) The Commissioner of Education shall create and~~
58 ~~implement the Secondary School Improvement Award Program to~~
59 ~~reward public secondary schools that demonstrate continuous~~
60 ~~student academic improvement and show the greatest gains in~~
61 ~~student academic achievement in reading and mathematics.~~

62 Section 2. Paragraphs (a) and (b) of subsection (1) of
63 section 1003.4156, Florida Statutes, are amended to read:

64 1003.4156 General requirements for middle grades
65 promotion.--

66 (1) Beginning with students entering grade 6 in the 2006-
67 2007 school year, promotion from a school composed of middle
68 grades 6, 7, and 8 requires that:

69 (a) The student must successfully complete academic
70 courses as follows:

71 1. Three middle school or higher courses in English. These
72 courses shall emphasize literature, composition, and technical
73 text.

74 2. Three middle school or higher courses in mathematics.
75 Each middle school must offer at least one high school level
76 mathematics course for which students may earn high school
77 credit.

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

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

82 5. One course in career and education planning to be
83 completed in 7th or 8th grade. The course may be taught by any
84 member of the instructional staff; must include career

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85 exploration using Florida CHOICES ~~for the 21st Century~~ or a
86 comparable cost-effective program; must include educational
87 planning using the online student advising system known as
88 Florida Academic Counseling and Tracking for Students at the
89 Internet website FACTS.org; and shall result in the completion
90 of a personalized academic and career plan.

91
92 Each school must hold a parent meeting either in the evening or
93 on a weekend to inform parents about the course curriculum and
94 activities. Each student shall complete an electronic personal
95 education plan that must be signed by the student; the student's
96 instructor, guidance counselor, or academic advisor; and the
97 student's parent. ~~By January 1, 2007,~~ The Department of
98 Education shall develop course frameworks and professional
99 development materials for the career exploration and education
100 planning course. The course may be implemented as a stand-alone
101 course or integrated into another course or courses. The
102 Commissioner of Education shall collect longitudinal high school
103 course enrollment data by student ethnicity in order to analyze
104 course-taking patterns.

105 (b) For each year in which a student scores at Level 1 on
106 FCAT Reading, the student must be enrolled in and complete an
107 intensive reading course the following year. Placement of Level
108 2 readers in either an intensive reading course or a content
109 area course in which reading strategies are delivered shall be
110 determined by diagnosis of reading needs. The department shall
111 provide guidance on appropriate strategies for diagnosing and
112 meeting the varying instructional needs of students reading

113 below grade level. Reading courses shall be designed and offered
 114 pursuant to the comprehensive reading plan required by s.
 115 1011.62(9). A student who scores at Level 1 or Level 2 on FCAT
 116 Reading, but who did not score below Level 3 on FCAT Reading in
 117 the prior school year, may be exempt from the requirement in
 118 this paragraph if the student demonstrates acceptable
 119 performance on an alternative standardized reading assessment
 120 approved by the State Board of Education.

121 Section 3. Paragraph (b) of subsection (2) of section
 122 1003.428, Florida Statutes, is amended to read:

123 1003.428 General requirements for high school graduation;
 124 revised.--

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

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

129 1. Four credits in a major area of interest, such as
 130 sequential courses in a career and technical program, fine and
 131 performing arts, or academic content area, selected by the
 132 student as part of the education plan required by s. 1003.4156.
 133 Students may revise major areas of interest each year as part of
 134 annual course registration processes and should update their
 135 education plan to reflect such revisions. Annually by October 1,
 136 the district school board shall approve major areas of interest
 137 and submit the list of majors to the Commissioner of Education
 138 for approval. Each major area of interest shall be deemed
 139 approved unless specifically rejected by the commissioner within
 140 60 days. Upon approval, each district's major areas of interest

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141 shall be available for use by all school districts and shall be
142 posted on the department's website.

143 2. Four credits in elective courses selected by the
144 student as part of the education plan required by s. 1003.4156.
145 These credits may be combined to allow for a second major area
146 of interest pursuant to subparagraph 1., a minor area of
147 interest, elective courses, or intensive reading or mathematics
148 intervention courses as described in this subparagraph.

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

152 b. Elective courses are selected by the student in order
153 to pursue a complete education program as described in s.
154 1001.41(3) and to meet eligibility requirements for
155 scholarships.

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

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169 this sub-subparagraph if the student demonstrates acceptable
170 performance on an alternative standardized reading assessment
171 approved by the State Board of Education. The requirements in
172 this sub-subparagraph do not apply to a student who has earned a
173 passing score on grade 10 FCAT Reading pursuant to s.
174 1008.22(3)(c) or who has achieved a score on a standardized test
175 which is concordant with a passing score on grade 10 FCAT
176 Reading pursuant to s. 1008.22(10).

177 d. For each year in which a student scores at Level 1 or
178 Level 2 on FCAT Mathematics, the student must receive
179 remediation the following year. These courses may be taught
180 through applied, integrated, or combined courses and are subject
181 to approval by the department for inclusion in the Course Code
182 Directory. The requirements of this sub-subparagraph do not
183 apply to a student who has earned a passing score on grade 10
184 FCAT Mathematics pursuant to s. 1008.22(3)(c) or who has
185 achieved a score on a standardized test which is concordant with
186 a passing score on grade 10 FCAT Mathematics pursuant to s.
187 1008.22(10).

188 Section 4. Subsection (1), paragraph (c) of subsection
189 (7), and subsection (8) of section 1003.429, Florida Statutes,
190 are amended to read:

191 1003.429 Accelerated high school graduation options.--

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

196 (a) Completion of the general requirements for high school

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197 graduation pursuant to s. 1003.428 or s. 1003.43, as applicable;

198 (b) Completion of a 3-year standard college preparatory
199 program requiring successful completion of a minimum of 18
200 academic credits in grades 9 through 12. At least 6 of the 18
201 credits required for completion of this program must be received
202 in classes that are offered pursuant to the International
203 Baccalaureate Program, the Advanced Placement Program, dual
204 enrollment, Advanced International Certificate of Education, or
205 specifically listed or identified by the Department of Education
206 as rigorous pursuant to s. 1009.531(3). The 18 credits required
207 for completion of this program shall be primary requirements and
208 shall be distributed as follows:

209 1. Four credits in English, with major concentration in
210 composition and literature;

211 2. Three credits in mathematics at the Algebra I level or
212 higher from the list of courses that qualify for state
213 university admission. Beginning with students who enter grade 9
214 in the 2009-2010 school year, four credits in mathematics at the
215 Algebra I level or higher from the list of courses that qualify
216 for state university admission;

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

219 4. Three credits in social sciences, which must include
220 one credit in American history, one credit in world history,
221 one-half credit in American government, and one-half credit in
222 economics;

223 5. Two credits in the same second language unless the
224 student is a native speaker of or can otherwise demonstrate

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225 competency in a language other than English. If the student
226 demonstrates competency in another language, the student may
227 replace the language requirement with two credits in other
228 academic courses; and

229 6. Three credits in electives. Beginning with students who
230 enter grade 9 in the 2009-2010 school year, two credits in
231 electives; or

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

236 1. Four credits in English, with major concentration in
237 composition and literature;

238 2. Three credits in mathematics, one of which must be
239 Algebra I;

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

242 4. Three credits in social sciences, which must include
243 one credit in American history, one credit in world history,
244 one-half credit in American government, and one-half credit in
245 economics;

246 5. Three credits in a single vocational or career
247 education program, three credits in career and technical
248 certificate dual enrollment courses, or five credits in
249 vocational or career education courses; and

250 6. Two credits in electives unless five credits are earned
251 pursuant to subparagraph 5.

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253 Any student who selected an accelerated graduation program
254 before July 1, 2004, may continue that program, and all
255 statutory program requirements that were applicable when the
256 student made the program choice shall remain applicable to the
257 student as long as the student continues that program.

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

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

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

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

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

272 (c) Does not achieve a score of 3 or higher on the grade
273 10 FCAT Writing assessment; or

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

276 Section 5. Section 1003.433, Florida Statutes, is amended
277 to read:

278 1003.433 Learning opportunities for out-of-state and out-
279 of-country transfer students and students needing additional
280 instruction to meet middle grades promotion or high school

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281 graduation requirements.--

282 (1) Students who enter a Florida public middle school at
283 the eighth grade from out of state or from a foreign country
284 shall not be required to spend additional time in a Florida
285 public school in order to meet the middle grades promotion
286 requirements if the student has met all requirements of the
287 school district, state, or country from which he or she is
288 transferring. Such students who are not proficient in English
289 should receive immediate and intensive instruction in English
290 language acquisition.

291 (2)~~(1)~~ Students who enter a Florida public school at the
292 eleventh or twelfth grade from out of state or from a foreign
293 country shall not be required to spend additional time in a
294 Florida public school in order to meet the high school course
295 requirements if the student has met all requirements of the
296 school district, state, or country from which he or she is
297 transferring. Such students who are not proficient in English
298 should receive immediate and intensive instruction in English
299 language acquisition. However, to receive a standard high school
300 diploma, a transfer student must earn a 2.0 grade point average
301 and pass the grade 10 FCAT required in s. 1008.22(3) or an
302 alternate assessment as described in s. 1008.22(10).

303 (3)~~(2)~~ Students who have met all requirements for the
304 standard high school diploma except for passage of the grade 10
305 FCAT or an alternate assessment by the end of grade 12 must be
306 provided the following learning opportunities:

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

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

313 (c) Participation in an adult general education program as
314 provided in s. 1004.93 for such time as the student requires to
315 master English, reading, mathematics, or any other subject
316 required for high school graduation. Students attending adult
317 basic, adult secondary, or vocational-preparatory instruction
318 are exempt from any requirement for the payment of tuition and
319 fees, including lab fees, pursuant to s. 1009.25. A student
320 attending an adult general education program shall have the
321 opportunity to take the grade 10 FCAT an unlimited number of
322 times in order to receive a standard high school diploma.

323 (4)~~(3)~~ Students who have been enrolled in an ESOL program
324 for less than 2 school years and have met all requirements for
325 the standard high school diploma except for passage of the grade
326 10 FCAT or alternate assessment may receive immersion English
327 language instruction during the summer following their senior
328 year. Students receiving such instruction are eligible to take
329 the FCAT or alternate assessment and receive a standard high
330 school diploma upon passage of the grade 10 FCAT or the
331 alternate assessment. This subsection shall be implemented to
332 the extent funding is provided in the General Appropriations
333 Act.

334 (5)~~(4)~~ The district school superintendent shall be
335 responsible for notifying all students of the consequences of
336 failure to receive a standard high school diploma, including the

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337 potential ineligibility for financial assistance at
338 postsecondary educational institutions.

339 ~~(6)-(5)~~ The State Board of Education may adopt rules
340 pursuant to ss. 120.536(1) and 120.54 to administer this
341 section.

342 Section 6. Subsection (1) and paragraph (f) of subsection
343 (4) of section 1003.621, Florida Statutes, are amended to read:
344 1003.621 Academically high-performing school
345 districts.--It is the intent of the Legislature to recognize and
346 reward school districts that demonstrate the ability to
347 consistently maintain or improve their high-performing status.
348 The purpose of this section is to provide high-performing school
349 districts with flexibility in meeting the specific requirements
350 in statute and rules of the State Board of Education.

351 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.--

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

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

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

359 2. Complies with all class size requirements in s. 1, Art.
360 IX of the State Constitution and s. 1003.03; and

361 3. Has no material weaknesses or instances of material
362 noncompliance noted in the annual financial audit conducted
363 pursuant to s. 218.39.

364 (b) ~~Each school district that satisfies the eligibility~~

365 ~~criteria in this subsection shall be designated by~~ The State
 366 Board of Education shall designate a school district as an
 367 academically high-performing school district at the next State
 368 Board of Education meeting occurring on or after February 1 of
 369 each year. The designation is effective beginning with the
 370 following school year and remains effective through the entire
 371 school year. With the exception of the statutes listed in
 372 subsection (2), upon designation as an academically high-
 373 performing school district, each such district is exempt from
 374 the provisions in chapters 1000-1013 which pertain to school
 375 districts and rules of the State Board of Education which
 376 implement these exempt provisions. ~~This exemption remains in~~
 377 ~~effect during the time of the designation if the district~~
 378 ~~continues to meet all eligibility criteria.~~

379 ~~(c) The academically high-performing school district shall~~
 380 ~~retain the designation as a high-performing school district for~~
 381 ~~3 years, at the end of which time the district may renew the~~
 382 ~~designation if the district meets the requirements in this~~
 383 ~~section. A school district that fails to meet the requirements~~
 384 ~~in this section shall provide written notification to the State~~
 385 ~~Board of Education that the district is no longer eligible to be~~
 386 ~~designated as an academically high-performing school district.~~

387 ~~(c)-(d)~~ In order to annually maintain the designation as an
 388 academically high-performing school district pursuant to this
 389 section, a school district must meet the following requirements:

- 390 1. Comply with the provisions of sub-subparagraph (a)1.b.
 391 and subparagraphs (a)2. and 3.; and
- 392 2. Earn a grade of "A" under s. 1008.34(7) for 2 years

393 within a 3-year period.

394

395 ~~However, a district in which a district-operated school earns a~~
 396 ~~grade of "F" under s. 1008.34 during the 3-year period may not~~
 397 ~~continue to be designated as an academically high-performing~~
 398 ~~school district during the remainder of that 3-year period. The~~
 399 ~~district must meet the criteria in paragraph (a) in order to be~~
 400 ~~redesignated as an academically high-performing school district.~~

401 (4) REPORTS.--The academically high-performing school
 402 district shall submit to the State Board of Education and the
 403 Legislature an annual report on December 1 which delineates the
 404 performance of the school district relative to the academic
 405 performance of students at each grade level in reading, writing,
 406 mathematics, science, and any other subject that is included as
 407 a part of the statewide assessment program in s. 1008.22. The
 408 annual report shall be submitted in a format prescribed by the
 409 Department of Education and shall include, but need not be
 410 limited to, the following:

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

416 Section 7. Paragraph (c) of subsection (3) and paragraphs
 417 (b) and (c) of subsection (10) of section 1008.22, Florida
 418 Statutes, are amended to read:

419 1008.22 Student assessment program for public schools.--

420 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall

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421 design and implement a statewide program of educational
422 assessment that provides information for the improvement of the
423 operation and management of the public schools, including
424 schools operating for the purpose of providing educational
425 services to youth in Department of Juvenile Justice programs.
426 The commissioner may enter into contracts for the continued
427 administration of the assessment, testing, and evaluation
428 programs authorized and funded by the Legislature. Contracts may
429 be initiated in 1 fiscal year and continue into the next and may
430 be paid from the appropriations of either or both fiscal years.
431 The commissioner is authorized to negotiate for the sale or
432 lease of tests, scoring protocols, test scoring services, and
433 related materials developed pursuant to law. Pursuant to the
434 statewide assessment program, the commissioner shall:

435 (c) Develop and implement a student achievement testing
436 program known as the Florida Comprehensive Assessment Test
437 (FCAT) as part of the statewide assessment program to measure a
438 student's content knowledge and skills in reading, writing,
439 science, and mathematics. Other content areas may be included as
440 directed by the commissioner. Comprehensive assessments of
441 reading and mathematics shall be administered annually in grades
442 3 through 10. Comprehensive assessments of writing and science
443 shall be administered at least once at the elementary, middle,
444 and high school levels. End-of-course assessments for a subject
445 may be administered in addition to the comprehensive assessments
446 required for that subject under this paragraph. An end-of-course
447 assessment must be rigorous, statewide, standardized, and
448 developed or approved by the department. The content knowledge

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449 and skills assessed by comprehensive and end-of-course
450 assessments must be aligned to the core curricular content
451 established in the Sunshine State Standards. The commissioner
452 may select one or more nationally developed comprehensive
453 examinations, which may include, but need not be limited to,
454 examinations for a College Board Advanced Placement course,
455 International Baccalaureate course, or Advanced International
456 Certificate of Education course or industry-approved
457 examinations to earn national industry certifications as defined
458 in s. 1003.492, for use as end-of-course assessments under this
459 paragraph, if the commissioner determines that the content
460 knowledge and skills assessed by the examinations meet or exceed
461 the grade level expectations for the core curricular content
462 established for the course in the Next Generation Sunshine State
463 Standards. The commissioner may collaborate with the American
464 Diploma Project in the adoption or development of rigorous end-
465 of-course assessments that are aligned to the Next Generation
466 Sunshine State Standards. The testing program must be designed
467 as follows:

468 1. The tests shall measure student skills and competencies
469 adopted by the State Board of Education as specified in
470 paragraph (a). The tests must measure and report student
471 proficiency levels of all students assessed in reading, writing,
472 mathematics, and science. The commissioner shall provide for the
473 tests to be developed or obtained, as appropriate, through
474 contracts and project agreements with private vendors, public
475 vendors, public agencies, postsecondary educational
476 institutions, or school districts. The commissioner shall obtain

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477 input with respect to the design and implementation of the
478 testing program from state educators, assistive technology
479 experts, and the public.

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

485 3. Beginning with the 2008-2009 school year, the
486 commissioner shall discontinue administration of the selected-
487 response test items on the comprehensive assessments of writing.
488 Beginning with the 2012-2013 school year, the comprehensive
489 assessments of writing shall be composed of a combination of
490 selected-response test items, short-response performance tasks,
491 and extended-response performance tasks, which shall measure a
492 student's content knowledge of writing, including, but not
493 limited to, paragraph and sentence structure, sentence
494 construction, grammar and usage, punctuation, capitalization,
495 spelling, parts of speech, verb tense, irregular verbs, subject-
496 verb agreement, and noun-pronoun agreement.

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

501 5. Except as provided in s. 1003.428(8)(b) or s.
502 1003.43(11)(b), students must earn a passing score on the grade
503 10 assessment test described in this paragraph or attain
504 concordant scores as described in subsection (10) in reading,

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505 writing, and mathematics to qualify for a standard high school
506 diploma. Concordant scores earned before taking the grade 10
507 FCAT for the first time in grade 10 may not be used to satisfy
508 the requirement in this subparagraph. The State Board of
509 Education shall designate a passing score for each part of the
510 grade 10 assessment test. In establishing passing scores, the
511 state board shall consider any possible negative impact of the
512 test on minority students. The State Board of Education shall
513 adopt rules which specify the passing scores for the grade 10
514 FCAT. Any such rules, which have the effect of raising the
515 required passing scores, shall apply only to students taking the
516 grade 10 FCAT for the first time after such rules are adopted by
517 the State Board of Education.

518 6. Participation in the testing program is mandatory for
519 all students attending public school, including students served
520 in Department of Juvenile Justice programs, except as otherwise
521 prescribed by the commissioner. A student who has not earned
522 passing scores on the grade 10 assessment as provided in
523 subparagraph 5. must participate in each retake of the
524 assessment until the student earns a passing score or achieves a
525 score on a standardized assessment which is concordant with
526 passing scores pursuant to subsection (10). If a student does
527 not participate in the statewide assessment, the district must
528 notify the student's parent and provide the parent with
529 information regarding the implications of such nonparticipation.
530 A parent must provide signed consent for a student to receive
531 classroom instructional accommodations that would not be
532 available or permitted on the statewide assessments and must

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533 acknowledge in writing that he or she understands the
534 implications of such instructional accommodations. The State
535 Board of Education shall adopt rules, based upon recommendations
536 of the commissioner, for the provision of test accommodations
537 for students in exceptional education programs and for students
538 who have limited English proficiency. Accommodations that negate
539 the validity of a statewide assessment are not allowable in the
540 administration of the FCAT. However, instructional
541 accommodations are allowable in the classroom if included in a
542 student's individual education plan. Students using
543 instructional accommodations in the classroom that are not
544 allowable as accommodations on the FCAT may have the FCAT
545 requirement waived pursuant to the requirements of s.
546 1003.428(8)(b) or s. 1003.43(11)(b).

547 7. A student seeking an adult high school diploma must
548 meet the same testing requirements that a regular high school
549 student must meet.

550 8. District school boards must provide instruction to
551 prepare students to demonstrate proficiency in the core
552 curricular content established in the Next Generation Sunshine
553 State Standards adopted under s. 1003.41, including the core
554 content knowledge and skills necessary for successful grade-to-
555 grade progression and high school graduation. If a student is
556 provided with instructional accommodations in the classroom that
557 are not allowable as accommodations in the statewide assessment
558 program, as described in the test manuals, the district must
559 inform the parent in writing and must provide the parent with
560 information regarding the impact on the student's ability to

561 meet expected proficiency levels in reading, writing, and
562 mathematics. The commissioner shall conduct studies as necessary
563 to verify that the required core curricular content is part of
564 the district instructional programs.

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

569 10. The Department of Education must develop, or select,
570 and implement a common battery of assessment tools that will be
571 used in all juvenile justice programs in the state. These tools
572 must accurately measure the core curricular content established
573 in the Sunshine State Standards.

574 11. For students seeking a special diploma pursuant to s.
575 1003.438, the Department of Education must develop or select and
576 implement an alternate assessment tool that accurately measures
577 the core curricular content established in the Sunshine State
578 Standards for students with disabilities under s. 1003.438.

579 12. The Commissioner of Education shall establish
580 schedules for the administration of statewide assessments and
581 the reporting of student test results. The commissioner shall,
582 by August 1 of each year, notify each school district in writing
583 and publish on the department's Internet website the testing and
584 reporting schedules for, at a minimum, the school year following
585 the upcoming school year. The testing and reporting schedules
586 shall require that:

587 a. There is the latest possible administration of
588 statewide assessments and the earliest possible reporting to the

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589 school districts of student test results which is feasible
590 within available technology and specific appropriations;
591 however, test results must be made available no later than the
592 final day of the regular school year for students.

593 b. Beginning with the 2010-2011 school year, a
594 comprehensive statewide assessment of writing is not
595 administered earlier than the week of March 1 and a
596 comprehensive statewide assessment of any other subject is not
597 administered earlier than the week of April 15.

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

600
601 The commissioner may, based on collaboration and input from
602 school districts, design and implement student testing programs,
603 for any grade level and subject area, necessary to effectively
604 monitor educational achievement in the state, including the
605 measurement of educational achievement of the Sunshine State
606 Standards for students with disabilities. Development and
607 refinement of assessments shall include universal design
608 principles and accessibility standards that will prevent any
609 unintended obstacles for students with disabilities while
610 ensuring the validity and reliability of the test. These
611 principles should be applicable to all technology platforms and
612 assistive devices available for the assessments. The field
613 testing process and psychometric analyses for the statewide
614 assessment program must include an appropriate percentage of
615 students with disabilities and an evaluation or determination of
616 the effect of test items on such students.

617 (10) CONCORDANT SCORES FOR THE FCAT.--
 618 ~~(b) In order to use a concordant subject area score~~
 619 ~~pursuant to this subsection to satisfy the assessment~~
 620 ~~requirement for a standard high school diploma as provided in s.~~
 621 ~~1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must~~
 622 ~~take each subject area of the grade 10 FCAT a total of three~~
 623 ~~times without earning a passing score. The requirements of this~~
 624 ~~paragraph shall not apply to a new student who enters the~~
 625 ~~Florida public school system in grade 12, who may either achieve~~
 626 ~~a passing score on the FCAT or use an approved subject area~~
 627 ~~concordant score to fulfill the graduation requirement.~~

628 (b)(e) The State Board of Education may define by rule the
 629 allowable uses, other than to satisfy the high school graduation
 630 requirement, for concordant scores as described in this
 631 subsection. Such uses may include, but need not be limited to,
 632 achieving appropriate standardized test scores required for the
 633 awarding of Florida Bright Futures Scholarships and college
 634 placement.

635 Section 8. Paragraph (b) of subsection (8) of section
 636 1008.25, Florida Statutes, is amended to read:

637 1008.25 Public school student progression; remedial
 638 instruction; reporting requirements.--

639 (8) ANNUAL REPORT.--

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

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

648 2. By grade, the number and percentage of all students in
649 grades 3 through 10 performing at Levels 1 and 2 on the reading
650 portion of the FCAT.

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

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

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

658 Section 9. Subsection (4) of section 1008.36, Florida
659 Statutes, is amended to read:

660 1008.36 Florida School Recognition Program.--

661 (4) All selected schools shall receive financial awards
662 depending on the availability of funds appropriated and the
663 number and size of schools selected to receive an award. Funds
664 must be distributed to the school's fiscal agent and placed in
665 the school's account and must be used for purposes listed in
666 subsection (5) as determined jointly by the school's staff and
667 school advisory council. If school staff and the school advisory
668 council cannot reach agreement by February 1 ~~November 1~~, the
669 awards must be equally distributed to all classroom teachers
670 currently teaching in the school.

671

672 Notwithstanding statutory provisions to the contrary, incentive

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673 | awards are not subject to collective bargaining.

674 | Section 10. This act shall take effect July 1, 2009.