

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

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.

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

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 3 school years, 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

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 3 school years, may be exempt from the requirement in

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

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



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.

252

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

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.

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

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

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



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

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,

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

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

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:

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.