

1                                   A bill to be entitled  
 2       An act relating to middle school civics education  
 3       assessment; providing a short title; amending s.  
 4       1003.4156, F.S.; providing requirements for a civics  
 5       education course that a student must successfully complete  
 6       for middle grades promotion beginning with students  
 7       entering grade 6 in the 2012-2013 school year; amending s.  
 8       1008.22, F.S.; requiring the administration of an end-of-  
 9       course assessment in civics education as a field test at  
 10      the middle school level during the 2012-2013 school year;  
 11      providing requirements for course grade and course credit  
 12      for subsequent school years; amending s. 1008.34, F.S.;  
 13      requiring the inclusion of civics education end-of-course  
 14      assessment data in determining school grades beginning  
 15      with the 2013-2014 school year; providing an effective  
 16      date.

17  
 18   Be It Enacted by the Legislature of the State of Florida:

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 20           Section 1. This act may be cited as the "Justice Sandra  
 21 Day O'Connor Civics Education Act."

22           Section 2. Paragraph (a) of subsection (1) of section  
 23 1003.4156, Florida Statutes, is amended to read:

24           1003.4156 General requirements for middle grades  
 25 promotion.--

26           (1) Beginning with students entering grade 6 in the 2006-  
 27 2007 school year, promotion from a school composed of middle  
 28 grades 6, 7, and 8 requires that:

29 (a) The student must successfully complete academic  
30 courses as follows:

31 1. Three middle school or higher courses in English. These  
32 courses shall emphasize literature, composition, and technical  
33 text.

34 2. Three middle school or higher courses in mathematics.  
35 Each middle school must offer at least one high school level  
36 mathematics course for which students may earn high school  
37 credit.

38 3. Three middle school or higher courses in social  
39 studies, one semester of which must include the study of state  
40 and federal government and civics education. Beginning with  
41 students entering grade 6 in the 2012-2013 school year, one of  
42 these courses must be at least a one-semester civics education  
43 course that a student successfully completes in accordance with  
44 s. 1008.22(3)(c) and that includes the roles and  
45 responsibilities of federal, state, and local governments; the  
46 structures and functions of the legislative, executive, and  
47 judicial branches of government; and the meaning and  
48 significance of historic documents, such as the Articles of  
49 Confederation, the Declaration of Independence, and the  
50 Constitution of the United States.

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

52 5. One course in career and education planning to be  
53 completed in 7th or 8th grade. The course may be taught by any  
54 member of the instructional staff; must include career  
55 exploration using CHOICES for the 21st Century or a comparable  
56 cost-effective program; must include educational planning using

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57 | the online student advising system known as Florida Academic  
58 | Counseling and Tracking for Students at the Internet website  
59 | FACTS.org; and shall result in the completion of a personalized  
60 | academic and career plan.

61 |  
62 | Each school must hold a parent meeting either in the evening or  
63 | on a weekend to inform parents about the course curriculum and  
64 | activities. Each student shall complete an electronic personal  
65 | education plan that must be signed by the student; the student's  
66 | instructor, guidance counselor, or academic advisor; and the  
67 | student's parent. By January 1, 2007, the Department of  
68 | Education shall develop course frameworks and professional  
69 | development materials for the career exploration and education  
70 | planning course. The course may be implemented as a stand-alone  
71 | course or integrated into another course or courses. The  
72 | Commissioner of Education shall collect longitudinal high school  
73 | course enrollment data by student ethnicity in order to analyze  
74 | course-taking patterns.

75 |       Section 3. Paragraph (c) of subsection (3) of section  
76 | 1008.22, Florida Statutes, is amended to read:

77 |       1008.22 Student assessment program for public schools.--

78 |       (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
79 | design and implement a statewide program of educational  
80 | assessment that provides information for the improvement of the  
81 | operation and management of the public schools, including  
82 | schools operating for the purpose of providing educational  
83 | services to youth in Department of Juvenile Justice programs.  
84 | The commissioner may enter into contracts for the continued

85 administration of the assessment, testing, and evaluation  
86 programs authorized and funded by the Legislature. Contracts may  
87 be initiated in 1 fiscal year and continue into the next and may  
88 be paid from the appropriations of either or both fiscal years.  
89 The commissioner is authorized to negotiate for the sale or  
90 lease of tests, scoring protocols, test scoring services, and  
91 related materials developed pursuant to law. Pursuant to the  
92 statewide assessment program, the commissioner shall:

93 (c) Develop and implement a student achievement testing  
94 program known as the Florida Comprehensive Assessment Test  
95 (FCAT) as part of the statewide assessment program to measure a  
96 student's content knowledge and skills in reading, writing,  
97 science, and mathematics. Other content areas may be included as  
98 directed by the commissioner. Comprehensive assessments of  
99 reading and mathematics shall be administered annually in grades  
100 3 through 10. Comprehensive assessments of writing and science  
101 shall be administered at least once at the elementary, middle,  
102 and high school levels. End-of-course assessments for a subject  
103 may be administered in addition to the comprehensive assessments  
104 required for that subject under this paragraph. An end-of-course  
105 assessment must be rigorous, statewide, standardized, and  
106 developed or approved by the department. The content knowledge  
107 and skills assessed by comprehensive and end-of-course  
108 assessments must be aligned to the core curricular content  
109 established in the Sunshine State Standards. During the 2012-  
110 2013 school year, an end-of-course assessment in civics  
111 education shall be administered as a field test at the middle  
112 school level. During the 2013-2014 school year, each student's

113 performance on the statewide, standardized end-of-course  
114 assessment in civics education shall constitute 30 percent of  
115 the student's final course grade. Beginning with the 2014-2015  
116 school year, a student must earn a passing score on the end-of-  
117 course assessment in civics education in order to pass the  
118 course and receive course credit. The commissioner may select  
119 one or more nationally developed comprehensive examinations,  
120 which may include, but need not be limited to, examinations for  
121 a College Board Advanced Placement course, International  
122 Baccalaureate course, or Advanced International Certificate of  
123 Education course or industry-approved examinations to earn  
124 national industry certifications as defined in s. 1003.492, for  
125 use as end-of-course assessments under this paragraph, if the  
126 commissioner determines that the content knowledge and skills  
127 assessed by the examinations meet or exceed the grade level  
128 expectations for the core curricular content established for the  
129 course in the Next Generation Sunshine State Standards. The  
130 commissioner may collaborate with the American Diploma Project  
131 in the adoption or development of rigorous end-of-course  
132 assessments that are aligned to the Next Generation Sunshine  
133 State Standards. The testing program must be designed as  
134 follows:

135 1. The tests shall measure student skills and competencies  
136 adopted by the State Board of Education as specified in  
137 paragraph (a). The tests must measure and report student  
138 proficiency levels of all students assessed in reading, writing,  
139 mathematics, and science. The commissioner shall provide for the  
140 tests to be developed or obtained, as appropriate, through

141 contracts and project agreements with private vendors, public  
142 vendors, public agencies, postsecondary educational  
143 institutions, or school districts. The commissioner shall obtain  
144 input with respect to the design and implementation of the  
145 testing program from state educators, assistive technology  
146 experts, and the public.

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

152 3. Beginning with the 2008-2009 school year, the  
153 commissioner shall discontinue administration of the selected-  
154 response test items on the comprehensive assessments of writing.  
155 Beginning with the 2012-2013 school year, the comprehensive  
156 assessments of writing shall be composed of a combination of  
157 selected-response test items, short-response performance tasks,  
158 and extended-response performance tasks, which shall measure a  
159 student's content knowledge of writing, including, but not  
160 limited to, paragraph and sentence structure, sentence  
161 construction, grammar and usage, punctuation, capitalization,  
162 spelling, parts of speech, verb tense, irregular verbs, subject-  
163 verb agreement, and noun-pronoun agreement.

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

168           5. Except as provided in s. 1003.428(8)(b) or s.  
169 1003.43(11)(b), students must earn a passing score on the grade  
170 10 assessment test described in this paragraph or attain  
171 concordant scores as described in subsection (10) in reading,  
172 writing, and mathematics to qualify for a standard high school  
173 diploma. The State Board of Education shall designate a passing  
174 score for each part of the grade 10 assessment test. In  
175 establishing passing scores, the state board shall consider any  
176 possible negative impact of the test on minority students. The  
177 State Board of Education shall adopt rules which specify the  
178 passing scores for the grade 10 FCAT. Any such rules, which have  
179 the effect of raising the required passing scores, shall apply  
180 only to students taking the grade 10 FCAT for the first time  
181 after such rules are adopted by the State Board of Education.

182           6. Participation in the testing program is mandatory for  
183 all students attending public school, including students served  
184 in Department of Juvenile Justice programs, except as otherwise  
185 prescribed by the commissioner. If a student does not  
186 participate in the statewide assessment, the district must  
187 notify the student's parent and provide the parent with  
188 information regarding the implications of such nonparticipation.  
189 A parent must provide signed consent for a student to receive  
190 classroom instructional accommodations that would not be  
191 available or permitted on the statewide assessments and must  
192 acknowledge in writing that he or she understands the  
193 implications of such instructional accommodations. The State  
194 Board of Education shall adopt rules, based upon recommendations  
195 of the commissioner, for the provision of test accommodations

196 for students in exceptional education programs and for students  
197 who have limited English proficiency. Accommodations that negate  
198 the validity of a statewide assessment are not allowable in the  
199 administration of the FCAT. However, instructional  
200 accommodations are allowable in the classroom if included in a  
201 student's individual education plan. Students using  
202 instructional accommodations in the classroom that are not  
203 allowable as accommodations on the FCAT may have the FCAT  
204 requirement waived pursuant to the requirements of s.  
205 1003.428(8)(b) or s. 1003.43(11)(b).

206 7. A student seeking an adult high school diploma must  
207 meet the same testing requirements that a regular high school  
208 student must meet.

209 8. District school boards must provide instruction to  
210 prepare students to demonstrate proficiency in the core  
211 curricular content established in the Next Generation Sunshine  
212 State Standards adopted under s. 1003.41, including the core  
213 content knowledge and skills necessary for successful grade-to-  
214 grade progression and high school graduation. If a student is  
215 provided with instructional accommodations in the classroom that  
216 are not allowable as accommodations in the statewide assessment  
217 program, as described in the test manuals, the district must  
218 inform the parent in writing and must provide the parent with  
219 information regarding the impact on the student's ability to  
220 meet expected proficiency levels in reading, writing, and  
221 mathematics. The commissioner shall conduct studies as necessary  
222 to verify that the required core curricular content is part of  
223 the district instructional programs.



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

228 10. The Department of Education must develop, or select,  
229 and implement a common battery of assessment tools that will be  
230 used in all juvenile justice programs in the state. These tools  
231 must accurately measure the core curricular content established  
232 in the Sunshine State Standards.

233 11. For students seeking a special diploma pursuant to s.  
234 1003.438, the Department of Education must develop or select and  
235 implement an alternate assessment tool that accurately measures  
236 the core curricular content established in the Sunshine State  
237 Standards for students with disabilities under s. 1003.438.

238 12. The Commissioner of Education shall establish  
239 schedules for the administration of statewide assessments and  
240 the reporting of student test results. The commissioner shall,  
241 by August 1 of each year, notify each school district in writing  
242 and publish on the department's Internet website the testing and  
243 reporting schedules for, at a minimum, the school year following  
244 the upcoming school year. The testing and reporting schedules  
245 shall require that:

246 a. There is the latest possible administration of  
247 statewide assessments and the earliest possible reporting to the  
248 school districts of student test results which is feasible  
249 within available technology and specific appropriations;  
250 however, test results must be made available no later than the  
251 final day of the regular school year for students.

252           b. Beginning with the 2010-2011 school year, a  
 253 comprehensive statewide assessment of writing is not  
 254 administered earlier than the week of March 1 and a  
 255 comprehensive statewide assessment of any other subject is not  
 256 administered earlier than the week of April 15.

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

259  
 260 The commissioner may, based on collaboration and input from  
 261 school districts, design and implement student testing programs,  
 262 for any grade level and subject area, necessary to effectively  
 263 monitor educational achievement in the state, including the  
 264 measurement of educational achievement of the Sunshine State  
 265 Standards for students with disabilities. Development and  
 266 refinement of assessments shall include universal design  
 267 principles and accessibility standards that will prevent any  
 268 unintended obstacles for students with disabilities while  
 269 ensuring the validity and reliability of the test. These  
 270 principles should be applicable to all technology platforms and  
 271 assistive devices available for the assessments. The field  
 272 testing process and psychometric analyses for the statewide  
 273 assessment program must include an appropriate percentage of  
 274 students with disabilities and an evaluation or determination of  
 275 the effect of test items on such students.

276           Section 4. Paragraph (c) of subsection (3) of section  
 277 1008.34, Florida Statutes, is amended to read:

278           1008.34 School grading system; school report cards;  
 279 district grade.--

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280 (3) DESIGNATION OF SCHOOL GRADES.--

281 (c) Student assessment data used in determining school  
282 grades shall include:

283 1. The aggregate scores of all eligible students enrolled  
284 in the school who have been assessed on the FCAT and, beginning  
285 with the 2013-2014 school year, the statewide, standardized end-  
286 of-course assessment in civics education at the middle school  
287 level.

288 2. The aggregate scores of all eligible students enrolled  
289 in the school who have been assessed on the FCAT and who have  
290 scored at or in the lowest 25th percentile of students in the  
291 school in reading, mathematics, or writing, unless these  
292 students are exhibiting satisfactory performance.

293 3. Effective with the 2005-2006 school year, the  
294 achievement scores and learning gains of eligible students  
295 attending alternative schools that provide dropout prevention  
296 and academic intervention services pursuant to s. 1003.53. The  
297 term "eligible students" in this subparagraph does not include  
298 students attending an alternative school who are subject to  
299 district school board policies for expulsion for repeated or  
300 serious offenses, who are in dropout retrieval programs serving  
301 students who have officially been designated as dropouts, or who  
302 are in programs operated or contracted by the Department of  
303 Juvenile Justice. The student performance data for eligible  
304 students identified in this subparagraph shall be included in  
305 the calculation of the home school's grade. As used in this  
306 section and s. 1008.341, the term "home school" means the school  
307 to which the student would be assigned if the student were not

308 assigned to an alternative school. If an alternative school  
309 chooses to be graded under this section, student performance  
310 data for eligible students identified in this subparagraph shall  
311 not be included in the home school's grade but shall be included  
312 only in the calculation of the alternative school's grade. A  
313 school district that fails to assign the FCAT scores of each of  
314 its students to his or her home school or to the alternative  
315 school that receives a grade shall forfeit Florida School  
316 Recognition Program funds for 1 fiscal year. School districts  
317 must require collaboration between the home school and the  
318 alternative school in order to promote student success. This  
319 collaboration must include an annual discussion between the  
320 principal of the alternative school and the principal of each  
321 student's home school concerning the most appropriate school  
322 assignment of the student.

323 4. Beginning with the 2009-2010 school year for schools  
324 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
325 11, and 12, the data listed in subparagraphs 1.-3. and the  
326 following data as the Department of Education determines such  
327 data are valid and available:

328 a. The high school graduation rate of the school as  
329 calculated by the Department of Education;

330 b. The participation rate of all eligible students  
331 enrolled in the school and enrolled in College Board Advanced  
332 Placement courses; International Baccalaureate courses; dual  
333 enrollment courses; Advanced International Certificate of  
334 Education courses; and courses or sequence of courses leading to  
335 industry certification, as determined by the Agency for

336 Workforce Innovation under s. 1003.492(2) in a career and  
337 professional academy, as described in s. 1003.493;

338 c. The aggregate scores of all eligible students enrolled  
339 in the school in College Board Advanced Placement courses,  
340 International Baccalaureate courses, and Advanced International  
341 Certificate of Education courses;

342 d. Earning of college credit by all eligible students  
343 enrolled in the school in dual enrollment programs under s.  
344 1007.271;

345 e. Earning of an industry certification, as determined by  
346 the Agency for Workforce Innovation under s. 1003.492(2) in a  
347 career and professional academy, as described in s. 1003.493;

348 f. The aggregate scores of all eligible students enrolled  
349 in the school in reading, mathematics, and other subjects as  
350 measured by the SAT, the ACT, and the common placement test for  
351 postsecondary readiness;

352 g. The high school graduation rate of all eligible at-risk  
353 students enrolled in the school who scored at Level 2 or lower  
354 on the grade 8 FCAT Reading and Mathematics examinations;

355 h. The performance of the school's students on statewide  
356 standardized end-of-course assessments administered under s.  
357 1008.22; and

358 i. The growth or decline in the data components listed in  
359 sub-subparagraphs a.-h. from year to year.

360

361 The State Board of Education shall adopt appropriate criteria  
362 for each school grade. The criteria must also give added weight  
363 to student achievement in reading. Schools designated with a

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364 grade of "C," making satisfactory progress, shall be required to  
365 demonstrate that adequate progress has been made by students in  
366 the school who are in the lowest 25th percentile in reading,  
367 mathematics, or writing on the FCAT, unless these students are  
368 exhibiting satisfactory performance. Beginning with the 2009-  
369 2010 school year for schools comprised of high school grades 9,  
370 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
371 school grades must also give added weight to the graduation rate  
372 of all eligible at-risk students, as defined in this paragraph.  
373 Beginning in the 2009-2010 school year, in order for a high  
374 school to be designated as having a grade of "A," making  
375 excellent progress, the school must demonstrate that at-risk  
376 students, as defined in this paragraph, in the school are making  
377 adequate progress.

378 Section 5. This act shall take effect July 1, 2010.