

By Senator Detert

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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  
6           complete for middle grades promotion beginning with  
7           students entering grade 6 in the 2012-2013 school  
8           year; amending s. 1008.22, F.S.; requiring the  
9           administration of an end-of-course assessment in  
10          civics education as a field test at the middle school  
11          level during the 2012-2013 school year; providing  
12          requirements for course grade and course credit for  
13          subsequent school years; amending s. 1008.34, F.S.;  
14          requiring the inclusion of civics education end-of-  
15          course assessment data in determining school grades  
16          beginning with the 2013-2014 school year; providing an  
17          effective date.

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

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

23           Section 2. Paragraph (a) of subsection (1) of section  
24 1003.4156, Florida Statutes, is amended to read:

25           1003.4156 General requirements for middle grades  
26 promotion.—

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

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

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

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

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

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

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

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59 Counseling and Tracking for Students at the Internet website  
60 FACTS.org; and shall result in the completion of a personalized  
61 academic and career plan.

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

76 Section 3. Paragraph (c) of subsection (3) of section  
77 1008.22, Florida Statutes, is amended to read:

78 1008.22 Student assessment program for public schools.—

79 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
80 design and implement a statewide program of educational  
81 assessment that provides information for the improvement of the  
82 operation and management of the public schools, including  
83 schools operating for the purpose of providing educational  
84 services to youth in Department of Juvenile Justice programs.  
85 The commissioner may enter into contracts for the continued  
86 administration of the assessment, testing, and evaluation  
87 programs authorized and funded by the Legislature. Contracts may

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

94 (c) Develop and implement a student achievement testing  
95 program known as the Florida Comprehensive Assessment Test  
96 (FCAT) as part of the statewide assessment program to measure a  
97 student's content knowledge and skills in reading, writing,  
98 science, and mathematics. Other content areas may be included as  
99 directed by the commissioner. Comprehensive assessments of  
100 reading and mathematics shall be administered annually in grades  
101 3 through 10. Comprehensive assessments of writing and science  
102 shall be administered at least once at the elementary, middle,  
103 and high school levels. End-of-course assessments for a subject  
104 may be administered in addition to the comprehensive assessments  
105 required for that subject under this paragraph. An end-of-course  
106 assessment must be rigorous, statewide, standardized, and  
107 developed or approved by the department. The content knowledge  
108 and skills assessed by comprehensive and end-of-course  
109 assessments must be aligned to the core curricular content  
110 established in the Sunshine State Standards. During the 2012-  
111 2013 school year, an end-of-course assessment in civics  
112 education shall be administered as a field test at the middle  
113 school level. During the 2013-2014 school year, each student's  
114 performance on the statewide, standardized end-of-course  
115 assessment in civics education shall constitute 30 percent of  
116 the student's final course grade. Beginning with the 2014-2015

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

136 1. The tests shall measure student skills and competencies  
137 adopted by the State Board of Education as specified in  
138 paragraph (a). The tests must measure and report student  
139 proficiency levels of all students assessed in reading, writing,  
140 mathematics, and science. The commissioner shall provide for the  
141 tests to be developed or obtained, as appropriate, through  
142 contracts and project agreements with private vendors, public  
143 vendors, public agencies, postsecondary educational  
144 institutions, or school districts. The commissioner shall obtain  
145 input with respect to the design and implementation of the

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146 testing program from state educators, assistive technology  
147 experts, and the public.

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

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

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

169 5. Except as provided in s. 1003.428(8)(b) or s.  
170 1003.43(11)(b), students must earn a passing score on the grade  
171 10 assessment test described in this paragraph or attain  
172 concordant scores as described in subsection (10) in reading,  
173 writing, and mathematics to qualify for a standard high school  
174 diploma. The State Board of Education shall designate a passing

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175 score for each part of the grade 10 assessment test. In  
176 establishing passing scores, the state board shall consider any  
177 possible negative impact of the test on minority students. The  
178 State Board of Education shall adopt rules which specify the  
179 passing scores for the grade 10 FCAT. Any such rules, which have  
180 the effect of raising the required passing scores, shall apply  
181 only to students taking the grade 10 FCAT for the first time  
182 after such rules are adopted by the State Board of Education.

183         6. Participation in the testing program is mandatory for  
184 all students attending public school, including students served  
185 in Department of Juvenile Justice programs, except as otherwise  
186 prescribed by the commissioner. If a student does not  
187 participate in the statewide assessment, the district must  
188 notify the student's parent and provide the parent with  
189 information regarding the implications of such nonparticipation.  
190 A parent must provide signed consent for a student to receive  
191 classroom instructional accommodations that would not be  
192 available or permitted on the statewide assessments and must  
193 acknowledge in writing that he or she understands the  
194 implications of such instructional accommodations. The State  
195 Board of Education shall adopt rules, based upon recommendations  
196 of the commissioner, for the provision of test accommodations  
197 for students in exceptional education programs and for students  
198 who have limited English proficiency. Accommodations that negate  
199 the validity of a statewide assessment are not allowable in the  
200 administration of the FCAT. However, instructional  
201 accommodations are allowable in the classroom if included in a  
202 student's individual education plan. Students using  
203 instructional accommodations in the classroom that are not

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204 allowable as accommodations on the FCAT may have the FCAT  
205 requirement waived pursuant to the requirements of s.  
206 1003.428(8)(b) or s. 1003.43(11)(b).

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

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

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

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



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233 in the Sunshine State Standards.

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

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

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

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

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

260  
261 The commissioner may, based on collaboration and input from

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

277 Section 4. Paragraph (c) of subsection (3) of section  
278 1008.34, Florida Statutes, is amended to read:

279 1008.34 School grading system; school report cards;  
280 district grade.—

281 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

289 2. The aggregate scores of all eligible students enrolled  
290 in the school who have been assessed on the FCAT and who have

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291 scored at or in the lowest 25th percentile of students in the  
292 school in reading, mathematics, or writing, unless these  
293 students are exhibiting satisfactory performance.

294 3. Effective with the 2005-2006 school year, the  
295 achievement scores and learning gains of eligible students  
296 attending alternative schools that provide dropout prevention  
297 and academic intervention services pursuant to s. 1003.53. The  
298 term "eligible students" in this subparagraph does not include  
299 students attending an alternative school who are subject to  
300 district school board policies for expulsion for repeated or  
301 serious offenses, who are in dropout retrieval programs serving  
302 students who have officially been designated as dropouts, or who  
303 are in programs operated or contracted by the Department of  
304 Juvenile Justice. The student performance data for eligible  
305 students identified in this subparagraph shall be included in  
306 the calculation of the home school's grade. As used in this  
307 section and s. 1008.341, the term "home school" means the school  
308 to which the student would be assigned if the student were not  
309 assigned to an alternative school. If an alternative school  
310 chooses to be graded under this section, student performance  
311 data for eligible students identified in this subparagraph shall  
312 not be included in the home school's grade but shall be included  
313 only in the calculation of the alternative school's grade. A  
314 school district that fails to assign the FCAT scores of each of  
315 its students to his or her home school or to the alternative  
316 school that receives a grade shall forfeit Florida School  
317 Recognition Program funds for 1 fiscal year. School districts  
318 must require collaboration between the home school and the  
319 alternative school in order to promote student success. This

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320 collaboration must include an annual discussion between the  
321 principal of the alternative school and the principal of each  
322 student's home school concerning the most appropriate school  
323 assignment of the student.

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

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

331 b. The participation rate of all eligible students enrolled  
332 in the school and enrolled in College Board Advanced Placement  
333 courses; International Baccalaureate courses; dual enrollment  
334 courses; Advanced International Certificate of Education  
335 courses; and courses or sequence of courses leading to industry  
336 certification, as determined by the Agency for Workforce  
337 Innovation under s. 1003.492(2) in a career and professional  
338 academy, as described in s. 1003.493;

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

343 d. Earning of college credit by all eligible students  
344 enrolled in the school in dual enrollment programs under s.  
345 1007.271;

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

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

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

356 h. The performance of the school's students on statewide  
357 standardized end-of-course assessments administered under s.  
358 1008.22; and

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

361  
362 The State Board of Education shall adopt appropriate criteria  
363 for each school grade. The criteria must also give added weight  
364 to student achievement in reading. Schools designated with a  
365 grade of "C," making satisfactory progress, shall be required to  
366 demonstrate that adequate progress has been made by students in  
367 the school who are in the lowest 25th percentile in reading,  
368 mathematics, or writing on the FCAT, unless these students are  
369 exhibiting satisfactory performance. Beginning with the 2009-  
370 2010 school year for schools comprised of high school grades 9,  
371 10, 11, and 12, or grades 10, 11, and 12, the criteria for  
372 school grades must also give added weight to the graduation rate  
373 of all eligible at-risk students, as defined in this paragraph.  
374 Beginning in the 2009-2010 school year, in order for a high  
375 school to be designated as having a grade of "A," making  
376 excellent progress, the school must demonstrate that at-risk  
377 students, as defined in this paragraph, in the school are making

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378 adequate progress.

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