

By the Committee on Education Pre-K - 12; and Senators Detert and Sobel

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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 1003.41, F.S., relating to the Sunshine State
5 Standards; requiring that, beginning in the 2012-2013
6 school year, reading and language arts instructional
7 materials for the language arts standards include
8 civics education content at all grade levels; amending
9 s. 1003.4156, F.S.; providing requirements for a
10 civics education course that a student must
11 successfully complete for middle grades promotion
12 beginning with students entering grade 6 in the 2012-
13 2013 school year; amending s. 1008.22, F.S.; requiring
14 the administration of an end-of-course assessment in
15 civics education as a field test at the middle school
16 level during the 2012-2013 school year; providing
17 requirements for course grade and course credit for
18 subsequent school years; amending s. 1008.34, F.S.;
19 requiring the inclusion of civics education end-of-
20 course assessment data in determining school grades
21 beginning with the 2013-2014 school year; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. This act may be cited as the "Justice Sandra Day
27 O'Connor Civics Education Act."

28 Section 2. Paragraph (a) of subsection (1) of section
29 1003.41, Florida Statutes, is amended to read:

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30 1003.41 Sunshine State Standards.—

31 (1) Public K-12 educational instruction in Florida is based
32 on the "Sunshine State Standards." The State Board of Education
33 shall review the Sunshine State Standards and replace them with
34 the Next Generation Sunshine State Standards that establish the
35 core content of the curricula to be taught in this state and
36 that specify the core content knowledge and skills that K-12
37 public school students are expected to acquire. The Next
38 Generation Sunshine State Standards must, at a minimum:

39 (a) Establish the core curricular content for language
40 arts, science, mathematics, and social studies, as follows:

41 1. Language arts standards must establish specific
42 curricular content for, at a minimum, the reading process,
43 literary analysis, the writing process, writing applications,
44 communication, and information and media literacy. The standards
45 must include distinct grade level expectations for the core
46 content knowledge and skills that a student is expected to have
47 acquired by each individual grade level from kindergarten
48 through grade 8. The language arts standards for grades 9
49 through 12 may be organized by grade clusters of more than one
50 grade level. The language arts standards must also identify
51 significant literary genres and authors that encompass a
52 comprehensive range of historical periods and shall emphasize
53 civics education concepts. Beginning with the 2012-2013 school
54 year, the reading and language arts instructional materials
55 shall include civics education content at all grade levels. The
56 State Board of Education shall, in accordance with the expedited
57 schedule established under subsection (2), review and replace
58 the language arts standards adopted by the state board in 2007

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59 with Next Generation Sunshine State Standards that comply with
60 this subparagraph.

61 2. Science standards must establish specific curricular
62 content for, at a minimum, the nature of science, earth and
63 space science, physical science, and life science. The standards
64 must include distinct grade level expectations for the core
65 content knowledge and skills that a student is expected to have
66 acquired by each individual grade level from kindergarten
67 through grade 8. The science standards for grades 9 through 12
68 may be organized by grade clusters of more than one grade level.

69 3. Mathematics standards must establish specific curricular
70 content for, at a minimum, algebra, geometry, probability,
71 statistics, calculus, discrete mathematics, financial literacy,
72 and trigonometry. The standards must include distinct grade
73 level expectations for the core content knowledge and skills
74 that a student is expected to have acquired by each individual
75 grade level from kindergarten through grade 8. The mathematics
76 standards for grades 9 through 12 may be organized by grade
77 clusters of more than one grade level.

78 4. Social studies standards must establish specific
79 curricular content for, at a minimum, geography, United States
80 and world history, government, civics, economics, and
81 humanities. The standards must include distinct grade level
82 expectations for the core content knowledge and skills that a
83 student is expected to have acquired by each individual grade
84 level from kindergarten through grade 8. The social studies
85 standards for grades 9 through 12 may be organized by grade
86 clusters of more than one grade level.

87 Section 3. Paragraph (a) of subsection (1) of section

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88 1003.4156, Florida Statutes, is amended to read:

89 1003.4156 General requirements for middle grades
90 promotion.—

91 (1) Beginning with students entering grade 6 in the 2006-
92 2007 school year, promotion from a school composed of middle
93 grades 6, 7, and 8 requires that:

94 (a) The student must successfully complete academic courses
95 as follows:

96 1. Three middle school or higher courses in English. These
97 courses shall emphasize literature, composition, and technical
98 text.

99 2. Three middle school or higher courses in mathematics.
100 Each middle school must offer at least one high school level
101 mathematics course for which students may earn high school
102 credit.

103 3. Three middle school or higher courses in social studies,
104 one semester of which must include the study of state and
105 federal government and civics education. Beginning with students
106 entering grade 6 in the 2012-2013 school year, one of these
107 courses must be at least a one-semester civics education course
108 that a student successfully completes in accordance with s.
109 1008.22(3)(c) and that includes the roles and responsibilities
110 of federal, state, and local governments; the structures and
111 functions of the legislative, executive, and judicial branches
112 of government; and the meaning and significance of historic
113 documents, such as the Articles of Confederation, the
114 Declaration of Independence, and the Constitution of the United
115 States.

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

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117 5. One course in career and education planning to be
118 completed in 7th or 8th grade. The course may be taught by any
119 member of the instructional staff; must include career
120 exploration using CHOICES for the 21st Century or a comparable
121 cost-effective program; must include educational planning using
122 the online student advising system known as Florida Academic
123 Counseling and Tracking for Students at the Internet website
124 FACTS.org; and shall result in the completion of a personalized
125 academic and career plan.

126
127 Each school must hold a parent meeting either in the evening or
128 on a weekend to inform parents about the course curriculum and
129 activities. Each student shall complete an electronic personal
130 education plan that must be signed by the student; the student's
131 instructor, guidance counselor, or academic advisor; and the
132 student's parent. By January 1, 2007, the Department of
133 Education shall develop course frameworks and professional
134 development materials for the career exploration and education
135 planning course. The course may be implemented as a stand-alone
136 course or integrated into another course or courses. The
137 Commissioner of Education shall collect longitudinal high school
138 course enrollment data by student ethnicity in order to analyze
139 course-taking patterns.

140 Section 4. Paragraph (c) of subsection (3) of section
141 1008.22, Florida Statutes, is amended to read:

142 1008.22 Student assessment program for public schools.—

143 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
144 design and implement a statewide program of educational
145 assessment that provides information for the improvement of the

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146 operation and management of the public schools, including
147 schools operating for the purpose of providing educational
148 services to youth in Department of Juvenile Justice programs.
149 The commissioner may enter into contracts for the continued
150 administration of the assessment, testing, and evaluation
151 programs authorized and funded by the Legislature. Contracts may
152 be initiated in 1 fiscal year and continue into the next and may
153 be paid from the appropriations of either or both fiscal years.
154 The commissioner is authorized to negotiate for the sale or
155 lease of tests, scoring protocols, test scoring services, and
156 related materials developed pursuant to law. Pursuant to the
157 statewide assessment program, the commissioner shall:

158 (c) Develop and implement a student achievement testing
159 program known as the Florida Comprehensive Assessment Test
160 (FCAT) as part of the statewide assessment program to measure a
161 student's content knowledge and skills in reading, writing,
162 science, and mathematics. Other content areas may be included as
163 directed by the commissioner. Comprehensive assessments of
164 reading and mathematics shall be administered annually in grades
165 3 through 10. Comprehensive assessments of writing and science
166 shall be administered at least once at the elementary, middle,
167 and high school levels. End-of-course assessments for a subject
168 may be administered in addition to the comprehensive assessments
169 required for that subject under this paragraph. An end-of-course
170 assessment must be rigorous, statewide, standardized, and
171 developed or approved by the department. The content knowledge
172 and skills assessed by comprehensive and end-of-course
173 assessments must be aligned to the core curricular content
174 established in the Sunshine State Standards. During the 2012-

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175 2013 school year, an end-of-course assessment in civics
176 education shall be administered as a field test at the middle
177 school level. During the 2013-2014 school year, each student's
178 performance on the statewide, standardized end-of-course
179 assessment in civics education shall constitute 30 percent of
180 the student's final course grade. Beginning with the 2014-2015
181 school year, a student must earn a passing score on the end-of-
182 course assessment in civics education in order to pass the
183 course and receive course credit. The commissioner may select
184 one or more nationally developed comprehensive examinations,
185 which may include, but need not be limited to, examinations for
186 a College Board Advanced Placement course, International
187 Baccalaureate course, or Advanced International Certificate of
188 Education course or industry-approved examinations to earn
189 national industry certifications as defined in s. 1003.492, for
190 use as end-of-course assessments under this paragraph, if the
191 commissioner determines that the content knowledge and skills
192 assessed by the examinations meet or exceed the grade level
193 expectations for the core curricular content established for the
194 course in the Next Generation Sunshine State Standards. The
195 commissioner may collaborate with the American Diploma Project
196 in the adoption or development of rigorous end-of-course
197 assessments that are aligned to the Next Generation Sunshine
198 State Standards. The testing program must be designed as
199 follows:

200 1. The tests shall measure student skills and competencies
201 adopted by the State Board of Education as specified in
202 paragraph (a). The tests must measure and report student
203 proficiency levels of all students assessed in reading, writing,

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204 mathematics, and science. The commissioner shall provide for the
205 tests to be developed or obtained, as appropriate, through
206 contracts and project agreements with private vendors, public
207 vendors, public agencies, postsecondary educational
208 institutions, or school districts. The commissioner shall obtain
209 input with respect to the design and implementation of the
210 testing program from state educators, assistive technology
211 experts, and the public.

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

217 3. Beginning with the 2008-2009 school year, the
218 commissioner shall discontinue administration of the selected-
219 response test items on the comprehensive assessments of writing.
220 Beginning with the 2012-2013 school year, the comprehensive
221 assessments of writing shall be composed of a combination of
222 selected-response test items, short-response performance tasks,
223 and extended-response performance tasks, which shall measure a
224 student's content knowledge of writing, including, but not
225 limited to, paragraph and sentence structure, sentence
226 construction, grammar and usage, punctuation, capitalization,
227 spelling, parts of speech, verb tense, irregular verbs, subject-
228 verb agreement, and noun-pronoun agreement.

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

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233 5. Except as provided in s. 1003.428(8)(b) or s.
234 1003.43(11)(b), students must earn a passing score on the grade
235 10 assessment test described in this paragraph or attain
236 concordant scores as described in subsection (10) in reading,
237 writing, and mathematics to qualify for a standard high school
238 diploma. The State Board of Education shall designate a passing
239 score for each part of the grade 10 assessment test. In
240 establishing passing scores, the state board shall consider any
241 possible negative impact of the test on minority students. The
242 State Board of Education shall adopt rules which specify the
243 passing scores for the grade 10 FCAT. Any such rules, which have
244 the effect of raising the required passing scores, shall apply
245 only to students taking the grade 10 FCAT for the first time
246 after such rules are adopted by the State Board of Education.

247 6. Participation in the testing program is mandatory for
248 all students attending public school, including students served
249 in Department of Juvenile Justice programs, except as otherwise
250 prescribed by the commissioner. If a student does not
251 participate in the statewide assessment, the district must
252 notify the student's parent and provide the parent with
253 information regarding the implications of such nonparticipation.
254 A parent must provide signed consent for a student to receive
255 classroom instructional accommodations that would not be
256 available or permitted on the statewide assessments and must
257 acknowledge in writing that he or she understands the
258 implications of such instructional accommodations. The State
259 Board of Education shall adopt rules, based upon recommendations
260 of the commissioner, for the provision of test accommodations
261 for students in exceptional education programs and for students

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262 who have limited English proficiency. Accommodations that negate
263 the validity of a statewide assessment are not allowable in the
264 administration of the FCAT. However, instructional
265 accommodations are allowable in the classroom if included in a
266 student's individual education plan. Students using
267 instructional accommodations in the classroom that are not
268 allowable as accommodations on the FCAT may have the FCAT
269 requirement waived pursuant to the requirements of s.
270 1003.428(8)(b) or s. 1003.43(11)(b).

271 7. A student seeking an adult high school diploma must meet
272 the same testing requirements that a regular high school student
273 must meet.

274 8. District school boards must provide instruction to
275 prepare students to demonstrate proficiency in the core
276 curricular content established in the Next Generation Sunshine
277 State Standards adopted under s. 1003.41, including the core
278 content knowledge and skills necessary for successful grade-to-
279 grade progression and high school graduation. If a student is
280 provided with instructional accommodations in the classroom that
281 are not allowable as accommodations in the statewide assessment
282 program, as described in the test manuals, the district must
283 inform the parent in writing and must provide the parent with
284 information regarding the impact on the student's ability to
285 meet expected proficiency levels in reading, writing, and
286 mathematics. The commissioner shall conduct studies as necessary
287 to verify that the required core curricular content is part of
288 the district instructional programs.

289 9. District school boards must provide opportunities for
290 students to demonstrate an acceptable level of performance on an

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291 alternative standardized assessment approved by the State Board
292 of Education following enrollment in summer academies.

293 10. The Department of Education must develop, or select,
294 and implement a common battery of assessment tools that will be
295 used in all juvenile justice programs in the state. These tools
296 must accurately measure the core curricular content established
297 in the Sunshine State Standards.

298 11. For students seeking a special diploma pursuant to s.
299 1003.438, the Department of Education must develop or select and
300 implement an alternate assessment tool that accurately measures
301 the core curricular content established in the Sunshine State
302 Standards for students with disabilities under s. 1003.438.

303 12. The Commissioner of Education shall establish schedules
304 for the administration of statewide assessments and the
305 reporting of student test results. The commissioner shall, by
306 August 1 of each year, notify each school district in writing
307 and publish on the department's Internet website the testing and
308 reporting schedules for, at a minimum, the school year following
309 the upcoming school year. The testing and reporting schedules
310 shall require that:

311 a. There is the latest possible administration of statewide
312 assessments and the earliest possible reporting to the school
313 districts of student test results which is feasible within
314 available technology and specific appropriations; however, test
315 results must be made available no later than the final day of
316 the regular school year for students.

317 b. Beginning with the 2010-2011 school year, a
318 comprehensive statewide assessment of writing is not
319 administered earlier than the week of March 1 and a

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320 comprehensive statewide assessment of any other subject is not
321 administered earlier than the week of April 15.

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

324

325 The commissioner may, based on collaboration and input from
326 school districts, design and implement student testing programs,
327 for any grade level and subject area, necessary to effectively
328 monitor educational achievement in the state, including the
329 measurement of educational achievement of the Sunshine State
330 Standards for students with disabilities. Development and
331 refinement of assessments shall include universal design
332 principles and accessibility standards that will prevent any
333 unintended obstacles for students with disabilities while
334 ensuring the validity and reliability of the test. These
335 principles should be applicable to all technology platforms and
336 assistive devices available for the assessments. The field
337 testing process and psychometric analyses for the statewide
338 assessment program must include an appropriate percentage of
339 students with disabilities and an evaluation or determination of
340 the effect of test items on such students.

341 Section 5. Paragraph (c) of subsection (3) of section
342 1008.34, Florida Statutes, is amended to read:

343 1008.34 School grading system; school report cards;
344 district grade.—

345 (3) DESIGNATION OF SCHOOL GRADES.—

346 (c) Student assessment data used in determining school
347 grades shall include:

348 1. The aggregate scores of all eligible students enrolled

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349 in the school who have been assessed on the FCAT and, beginning
350 with the 2013-2014 school year, the statewide, standardized end-
351 of-course assessment in civics education at the middle school
352 level.

353 2. The aggregate scores of all eligible students enrolled
354 in the school who have been assessed on the FCAT and who have
355 scored at or in the lowest 25th percentile of students in the
356 school in reading, mathematics, or writing, unless these
357 students are exhibiting satisfactory performance.

358 3. Effective with the 2005-2006 school year, the
359 achievement scores and learning gains of eligible students
360 attending alternative schools that provide dropout prevention
361 and academic intervention services pursuant to s. 1003.53. The
362 term "eligible students" in this subparagraph does not include
363 students attending an alternative school who are subject to
364 district school board policies for expulsion for repeated or
365 serious offenses, who are in dropout retrieval programs serving
366 students who have officially been designated as dropouts, or who
367 are in programs operated or contracted by the Department of
368 Juvenile Justice. The student performance data for eligible
369 students identified in this subparagraph shall be included in
370 the calculation of the home school's grade. As used in this
371 section and s. 1008.341, the term "home school" means the school
372 to which the student would be assigned if the student were not
373 assigned to an alternative school. If an alternative school
374 chooses to be graded under this section, student performance
375 data for eligible students identified in this subparagraph shall
376 not be included in the home school's grade but shall be included
377 only in the calculation of the alternative school's grade. A

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378 school district that fails to assign the FCAT scores of each of
379 its students to his or her home school or to the alternative
380 school that receives a grade shall forfeit Florida School
381 Recognition Program funds for 1 fiscal year. School districts
382 must require collaboration between the home school and the
383 alternative school in order to promote student success. This
384 collaboration must include an annual discussion between the
385 principal of the alternative school and the principal of each
386 student's home school concerning the most appropriate school
387 assignment of the student.

388 4. Beginning with the 2009-2010 school year for schools
389 comprised of high school grades 9, 10, 11, and 12, or grades 10,
390 11, and 12, the data listed in subparagraphs 1.-3. and the
391 following data as the Department of Education determines such
392 data are valid and available:

393 a. The high school graduation rate of the school as
394 calculated by the Department of Education;

395 b. The participation rate of all eligible students enrolled
396 in the school and enrolled in College Board Advanced Placement
397 courses; International Baccalaureate courses; dual enrollment
398 courses; Advanced International Certificate of Education
399 courses; and courses or sequence of courses leading to industry
400 certification, as determined by the Agency for Workforce
401 Innovation under s. 1003.492(2) in a career and professional
402 academy, as described in s. 1003.493;

403 c. The aggregate scores of all eligible students enrolled
404 in the school in College Board Advanced Placement courses,
405 International Baccalaureate courses, and Advanced International
406 Certificate of Education courses;

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407 d. Earning of college credit by all eligible students
408 enrolled in the school in dual enrollment programs under s.
409 1007.271;

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

413 f. The aggregate scores of all eligible students enrolled
414 in the school in reading, mathematics, and other subjects as
415 measured by the SAT, the ACT, and the common placement test for
416 postsecondary readiness;

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

420 h. The performance of the school's students on statewide
421 standardized end-of-course assessments administered under s.
422 1008.22; and

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

425
426 The State Board of Education shall adopt appropriate criteria
427 for each school grade. The criteria must also give added weight
428 to student achievement in reading. Schools designated with a
429 grade of "C," making satisfactory progress, shall be required to
430 demonstrate that adequate progress has been made by students in
431 the school who are in the lowest 25th percentile in reading,
432 mathematics, or writing on the FCAT, unless these students are
433 exhibiting satisfactory performance. Beginning with the 2009-
434 2010 school year for schools comprised of high school grades 9,
435 10, 11, and 12, or grades 10, 11, and 12, the criteria for

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436 school grades must also give added weight to the graduation rate
437 of all eligible at-risk students, as defined in this paragraph.
438 Beginning in the 2009-2010 school year, in order for a high
439 school to be designated as having a grade of "A," making
440 excellent progress, the school must demonstrate that at-risk
441 students, as defined in this paragraph, in the school are making
442 adequate progress.

443 Section 6. This act shall take effect July 1, 2010.