

1                   A bill to be entitled  
2       An act relating to public school education; amending ss.  
3       1002.33, 1003.03, 1003.413, and 1003.4156, F.S., relating  
4       to discontinuance of administration of the Florida  
5       Comprehensive Assessment Test (FCAT), to conform to  
6       changes made by the act; deleting requirement that  
7       district school boards establish policies for intensive  
8       reading and mathematics intervention courses in high  
9       school; providing for intervention services; amending s.  
10      1003.428, F.S.; requiring that students be advised of the  
11      availability of certain courses for purposes of high  
12      school graduation; providing for remediation and  
13      intervention services in certain circumstances; revising  
14      general requirements for high school graduation;  
15      conforming provisions relating to discontinuance of FCAT  
16      administration; amending s. 1003.429, F.S.; requiring that  
17      students be advised of the availability of certain courses  
18      for purposes of accelerated high school graduation  
19      options; revising general requirements for accelerated  
20      high school graduation; conforming provisions relating to  
21      discontinuance of FCAT administration; requiring the State  
22      Board of Education to appoint a task force to develop high  
23      school graduation standards for career-track students and  
24      consider ways to provide unique curriculum offerings;  
25      requiring the task force to submit recommendations to the  
26      Legislature; amending s. 1003.433, F.S., relating to  
27      discontinuance of FCAT administration and revised general  
28      requirements for high school graduation, to conform to

29 changes made by the act; amending s. 1008.22, F.S.;

30 revising the statewide student assessment program to

31 discontinue use of the FCAT; requiring the assessment

32 program to consist of subject area assessments for

33 students in grades 3 through 5, subject area assessments

34 and end-of-course assessments in core and noncore subjects

35 for students in grades 6 through 12, and diagnostic

36 assessments for students in grades 6, 8, and 10; providing

37 eligibility for exemption from certain assessment

38 requirements; revising course grade and course credit

39 requirements relating to student performance on end-of-

40 course assessments; requiring school districts to provide

41 intervention services to certain students; providing that

42 results on end-of-course assessments are one component of

43 requirements for high school graduation; revising

44 provisions relating to test-preparation activities;

45 deleting provisions relating to use of concordant scores

46 for the FCAT; amending s. 1008.25, F.S.; requiring

47 intervention services for certain students as part of the

48 comprehensive program for student progression; conforming

49 provisions relating to the revision of the statewide

50 student assessment program; deleting mandatory retention

51 for certain grade 3 students; authorizing promotion for

52 good cause; providing for reporting; amending s. 1008.30,

53 F.S.; revising provisions relating to use of the common

54 placement test to conform to discontinuance of FCAT

55 administration; amending ss. 1008.34 and 1008.341, F.S.;

56 deleting use of the FCAT as a basis for determining school

57 | grades and school improvement ratings; providing for  
58 | student results on subject area assessments and end-of-  
59 | course assessments to partially determine school grades  
60 | and school improvement ratings; providing additional  
61 | factors for such determination; conforming provisions  
62 | relating to revision of the Florida School Recognition  
63 | Program; amending s. 1008.36, F.S.; changing the Florida  
64 | School Recognition Program to the Every Child Matters  
65 | Program; providing intent and purpose of the program;  
66 | providing for financial assistance to schools providing  
67 | remediation and intervention services to certain students;  
68 | specifying the uses of program funds; providing Department  
69 | of Education duties; amending s. 1009.531, F.S.; adding a  
70 | cross-reference to high school graduation requirements;  
71 | amending s. 1011.62, F.S.; conforming provisions relating  
72 | to revision of the Florida School Recognition Program and  
73 | discontinuance of FCAT administration; amending s.  
74 | 1012.22, F.S.; conforming provisions relating to  
75 | discontinuance of FCAT administration; providing for the  
76 | appointment of a public school assessment and  
77 | accountability alignment committee to develop standards  
78 | for a revised statewide student assessment program,  
79 | procedures for transitioning to the new program, and  
80 | standards for determining school grades and school  
81 | improvement ratings; providing for membership; providing  
82 | duties of the alignment committee, the State Board of  
83 | Education, and the Department of Education; providing a  
84 | timetable for implementation; providing for future

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85            expiration of the alignment committee; providing effective  
86            dates.

87  
88    Be It Enacted by the Legislature of the State of Florida:

89  
90            Section 1. Paragraph (a) of subsection (20) of section  
91    1002.33, Florida Statutes, is amended to read:

92            1002.33 Charter schools.—

93            (20) SERVICES.—

94            (a)1. A sponsor shall provide certain administrative and  
95    educational services to charter schools. These services shall  
96    include contract management services; full-time equivalent and  
97    data reporting services; exceptional student education  
98    administration services; services related to eligibility and  
99    reporting duties required to ensure that school lunch services  
100   under the federal lunch program, consistent with the needs of  
101   the charter school, are provided by the school district at the  
102   request of the charter school, that any funds due to the charter  
103   school under the federal lunch program be paid to the charter  
104   school as soon as the charter school begins serving food under  
105   the federal lunch program, and that the charter school is paid  
106   at the same time and in the same manner under the federal lunch  
107   program as other public schools serviced by the sponsor or the  
108   school district; test administration services, including payment  
109   of the costs of state-required or district-required student  
110   assessments; processing of teacher certificate data services;  
111   and information services, including equal access to student  
112   information systems that are used by public schools in the

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113 district in which the charter school is located. Student  
114 performance data for each student in a charter school,  
115 including, but not limited to, subject area assessment scores,  
116 end-of-course assessment ~~FCAT~~ scores, standardized test scores,  
117 previous public school student report cards, and student  
118 performance measures, shall be provided by the sponsor to a  
119 charter school in the same manner provided to other public  
120 schools in the district.

121 2. A total administrative fee for the provision of such  
122 services shall be calculated based upon up to 5 percent of the  
123 available funds defined in paragraph (17)(b) for all students.  
124 However, a sponsor may only withhold up to a 5-percent  
125 administrative fee for enrollment for up to and including 250  
126 students. For charter schools with a population of 251 or more  
127 students, the difference between the total administrative fee  
128 calculation and the amount of the administrative fee withheld  
129 may only be used for capital outlay purposes specified in s.  
130 1013.62(2).

131 3. In addition, a sponsor may withhold only up to a 5-  
132 percent administrative fee for enrollment for up to and  
133 including 500 students within a system of charter schools which  
134 meets all of the following:

- 135 a. Includes both conversion charter schools and  
136 nonconversion charter schools;
- 137 b. Has all schools located in the same county;
- 138 c. Has a total enrollment exceeding the total enrollment  
139 of at least one school district in the state;
- 140 d. Has the same governing board; and

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141 e. Does not contract with a for-profit service provider  
142 for management of school operations.

143 4. The difference between the total administrative fee  
144 calculation and the amount of the administrative fee withheld  
145 pursuant to subparagraph 3. may be used for instructional and  
146 administrative purposes as well as for capital outlay purposes  
147 specified in s. 1013.62(2).

148 5. Each charter school shall receive 100 percent of the  
149 funds awarded to that school pursuant to s. 1012.225. Sponsors  
150 shall not charge charter schools any additional fees or  
151 surcharges for administrative and educational services in  
152 addition to the maximum 5-percent administrative fee withheld  
153 pursuant to this paragraph.

154 Section 2. Paragraph (c) of subsection (3) of section  
155 1003.03, Florida Statutes, is amended to read:

156 1003.03 Maximum class size.—

157 (3) IMPLEMENTATION OPTIONS.—District school boards must  
158 consider, but are not limited to, implementing the following  
159 items in order to meet the constitutional class size maximums  
160 described in subsection (1):

161 (c)1. Repeal district school board policies that require  
162 students to have more than 24 credits to graduate from high  
163 school.

164 2. Adopt policies to allow students to graduate from high  
165 school as soon as they meet the requirements ~~pass the grade 10~~  
166 ~~FCAT and complete the courses required~~ for high school  
167 graduation.

168 Section 3. Paragraph (d) of subsection (3) of section

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1003.413, Florida Statutes, is amended to read:

1003.413 Florida Secondary School Redesign Act.—

(3) Based on these guiding principles, district school boards shall establish policies to implement the requirements of ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

(d) Credit recovery courses and ~~intensive~~ reading and mathematics intervention services ~~courses~~ based on student performance on diagnostic assessments, subject area assessments, or end-of-course assessments ~~FCAT Reading and Mathematics~~. These courses and intervention services should be competency based and offered through innovative delivery systems, including computer-assisted instruction. School districts should use learning gains as well as other appropriate data and provide incentives to identify and reward high-performing teachers who teach credit recovery courses and provide ~~intensive~~ intervention services ~~courses~~.

Section 4. Subsection (1) of section 1003.4156, Florida Statutes, are amended to read:

1003.4156 General requirements for middle grades promotion.—

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

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

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

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197 text.

198       2. Three middle school or higher courses in mathematics.  
199 Each middle school must offer at least one high school level  
200 mathematics course for which students may earn high school  
201 credit. Successful completion of a high school level Algebra I  
202 or geometry course is not contingent upon the student's  
203 performance on the end-of-course assessment required under s.  
204 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012  
205 school year, to earn high school credit for an Algebra I course,  
206 a middle school student must pass the Algebra I end-of-course  
207 assessment, and beginning with the 2012-2013 school year, to  
208 earn high school credit for a geometry course, a middle school  
209 student must pass the geometry end-of-course assessment.

210       3. Three middle school or higher courses in social  
211 studies, one semester of which must include the study of state  
212 and federal government and civics education. Beginning with  
213 students entering grade 6 in the 2012-2013 school year, one of  
214 these courses must be at least a one-semester civics education  
215 course that a student successfully completes in accordance with  
216 s. 1008.22(3)(c) and that includes the roles and  
217 responsibilities of federal, state, and local governments; the  
218 structures and functions of the legislative, executive, and  
219 judicial branches of government; and the meaning and  
220 significance of historic documents, such as the Articles of  
221 Confederation, the Declaration of Independence, and the  
222 Constitution of the United States.

223       4. Three middle school or higher courses in science.  
224 Successful completion of a high school level Biology I course is



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not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c)2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student; the student's

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instructor, guidance counselor, or academic advisor; and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(b) For each year in which a student's performance on a diagnostic assessment or a subject area assessment in student scores at Level 1 on FCAT reading does not meet grade-level expectations, the student must be enrolled in and complete an intensive reading course the following year. Placement of students Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9).

(c) For each year in which a student's performance on a diagnostic assessment, a subject area assessment, or an end-of-course assessment in student scores at Level 1 or Level 2 on FCAT mathematics does not meet grade-level expectations, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

Section 5. Subsection (1), paragraph (b) of subsection

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(2), paragraph (b) of subsection (4), and paragraph (b) of subsection (8) of section 1003.428, Florida Statutes, are amended to read:

1003.428 General requirements for high school graduation; revised.—

(1) Except as otherwise authorized pursuant to s. 1003.429, beginning with students entering grade 9 in the 2007-2008 school year, graduation requires the successful completion of a minimum of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Students must be advised of the Advanced Placement courses, International Baccalaureate courses, Advanced International Certificate of Education courses, career academy courses that lead to national industry certification, and dual enrollment courses that are available, as well as the availability of course offerings through the Florida Virtual School. Students must also be advised of eligibility requirements for state scholarship programs and postsecondary admissions.

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

(b) Eight credits in electives.

1. For each year in which a student's performance on a diagnostic assessment or subject area assessment in student scores at Level 1 on FCAT reading does not meet grade-level expectations, the student must receive remediation and intervention services as soon as feasible but no later than ~~be~~

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309 ~~enrolled in and complete an intensive reading course~~ the  
310 following year. Placement of students ~~Level 2 readers~~ in either  
311 ~~a an intensive~~ reading course or a content area course in which  
312 reading strategies are delivered shall be determined by  
313 diagnosis of reading needs. The department shall provide  
314 guidance on appropriate strategies for diagnosing and meeting  
315 the varying instructional needs of students reading below grade  
316 level. Reading courses shall be designed and offered pursuant to  
317 the comprehensive reading plan required by s. 1011.62(9).

318 2. For each year in which a student's performance on a  
319 diagnostic assessment, a subject area assessment, or an end-of-  
320 course assessment in ~~student scores at Level 1 or Level 2 on~~  
321 ~~FCAT~~ mathematics does not meet grade-level expectations, the  
322 student must receive remediation and intervention services as  
323 soon as feasible but no later than the following year.

324 Intervention ~~These~~ courses may be taught through applied,  
325 integrated, or combined courses and are subject to approval by  
326 the department for inclusion in the Course Code Directory.

327 (4) Each district school board shall establish standards  
328 for graduation from its schools, which must include:

329 (b) Successful overall academic performance based on end-  
330 of-course assessments, grade point average, student portfolios,  
331 and, if determined by the State Board of Education, other  
332 measurable indicators of student progress. ~~Earning passing~~  
333 ~~scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on~~  
334 ~~a standardized test that are concordant with passing scores on~~  
335 ~~the FCAT as defined in s. 1008.22(10).~~

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Each district school board shall adopt policies designed to assist students in meeting the requirements of this subsection. These policies may include, but are not limited to: forgiveness policies, summer school or before or after school attendance, special counseling, volunteers or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes. Forgiveness policies for required courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course. The only exception to these forgiveness policies shall be made for a student in the middle grades who takes any high school course for high school credit and earns a grade of "C," "D," or "F" or the equivalent of a grade of "C," "D," or "F." In such case, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. In all cases of grade forgiveness, only the new grade shall be used in the calculation of the student's grade point average. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

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365           ~~(b) 1. A student with a disability, as defined in s.~~  
366 ~~1007.02(2), for whom the individual education plan (IEP)~~  
367 ~~committee determines that the FCAT cannot accurately measure the~~  
368 ~~student's abilities taking into consideration all allowable~~  
369 ~~accommodations, shall have the FCAT requirement of paragraph~~  
370 ~~(4) (b) waived for the purpose of receiving a standard high~~  
371 ~~school diploma, if the student:~~

372           ~~a. Completes the minimum number of credits and other~~  
373 ~~requirements prescribed by subsections (1), (2), and (3).~~

374           ~~b. Does not meet the requirements of paragraph (4) (b)~~  
375 ~~after one opportunity in 10th grade and one opportunity in 11th~~  
376 ~~grade.~~

377           2. A student with a disability, as defined in s.  
378 1007.02(2), for whom the IEP committee determines that an end-  
379 of-course assessment cannot accurately measure the student's  
380 abilities, taking into consideration all allowable  
381 accommodations, shall have the end-of-course assessment results  
382 that are used as a partial basis for determining successful  
383 overall academic performance waived for the purpose of  
384 determining the student's course grade and credit as required in  
385 paragraph (4) (a).

386           Section 6. Subsection (1), paragraph (a) of subsection  
387 (6), and subsection (8) of section 1003.429, Florida Statutes,  
388 are amended to read:

389           1003.429 Accelerated high school graduation options.—

390           (1) Students who enter grade 9 in the 2006-2007 school  
391 year and thereafter may select, upon receipt of each consent  
392 required by this section, one of the following three high school

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graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.428 or s. 1003.43, as applicable;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes that are offered pursuant to the International Baccalaureate Program, the Advanced Placement Program, dual enrollment, or the Advanced International Certificate of Education Program, or specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3). Students must be advised of the Advanced Placement courses, International Baccalaureate courses, Advanced International Certificate of Education courses, career academy courses that lead to national industry certification, and dual enrollment courses that are available, as well as the availability of course offerings through the Florida Virtual School. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:

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

2. Three credits and, beginning with students entering grade 9 in the 2010-2011 school year, four credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four

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credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education;

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State



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Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;

4. Three credits in social sciences, which must include one credit in United States history, one credit in world history, one-half credit in United States government, and one-half credit in economics;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives and, beginning with students entering grade 9 in the 2010-2011 school year, two credits in electives; or

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

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

2. Three credits and, beginning with students entering grade 9 in the 2010-2011 school year, four credits in mathematics, one of which must be Algebra I. Beginning with students entering grade 9 in the 2010-2011 school year, in addition to the Algebra I credit requirement, one of the four credits in mathematics must be geometry or a series of courses equivalent to geometry as approved by the State Board of

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Education. Beginning with students entering grade 9 in the 2010-2011 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(I) must be met in order for a student to earn the required credit in geometry. Beginning with students entering grade 9 in the 2012-2013 school year, in addition to the Algebra I and geometry credit requirements, one of the four credits in mathematics must be Algebra II or a series of courses equivalent to Algebra II as approved by the State Board of Education;

3. Three credits in science, two of which must have a laboratory component. Beginning with students entering grade 9 in the 2011-2012 school year, one of the three credits in science must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education. Beginning with students entering grade 9 in the 2011-2012 school year, the end-of-course assessment requirements under s. 1008.22(3)(c)2.a.(II) must be met in order for a student to earn the required credit in Biology I. Beginning with students entering grade 9 in the 2013-2014 school year, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the State Board of Education, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the State Board of Education, and one credit must be an equally rigorous course, as approved by the State Board of Education;

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4. Three credits in social sciences, which must include one credit in United States history, one credit in world history, one-half credit in United States government, and one-half credit in economics;

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

6. Two credits and, beginning with students entering grade 9 in the 2010-2011 school year, one credit in electives unless five credits are earned pursuant to subparagraph 5.

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

(6) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Achieve successful overall academic performance based on end-of-course assessments, grade point average, student portfolios, and, if determined by the State Board of Education, other measurable indicators of student progress. ~~Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(10).~~

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Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

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

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

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

(c) Does not achieve a passing score ~~of 3 or higher~~ on an end-of-course assessment in language arts ~~the grade 10 FCAT Writing assessment~~; or

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

Section 7. Effective upon this act becoming a law, the State Board of Education shall appoint a task force to develop high school graduation standards for students who plan to enroll in a trade school or postsecondary technical institution after high school. In addition, the task force shall consider ways to allow school districts to provide unique curriculum offerings for specific career opportunities and needs that are present in a school district's area. The task force shall be comprised of no less than 15 members representing, but not limited to, academic experts in workforce education, high school principals,

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561 teachers, and industry experts and shall be chaired by the  
562 Chancellor for Career and Adult Education. The task force shall  
563 prepare a report with recommendations for high school graduation  
564 standards for career-track students and ways to incorporate  
565 unique career curriculum offerings into a school district's  
566 curriculum to be submitted by January 1, 2012, to the President  
567 of the Senate, the Speaker of the House of Representative, and  
568 the Governor.

569 Section 8. Subsections (1), (2), and (3) of section  
570 1003.433, Florida Statutes, are amended to read:

571 1003.433 Learning opportunities for out-of-state and out-  
572 of-country transfer students and students needing additional  
573 instruction to meet high school graduation requirements.—

574 (1) Students who enter a Florida public school at the  
575 eleventh or twelfth grade from out of state or from a foreign  
576 country shall not be required to spend additional time in a  
577 Florida public school in order to meet the high school course  
578 requirements if the student has met all requirements of the  
579 school district, state, or country from which he or she is  
580 transferring. Such students who are not proficient in English  
581 should receive immediate and intensive instruction in English  
582 language acquisition. However, to receive a standard high school  
583 diploma, a transfer student must achieve successful overall  
584 academic performance based on end-of-course assessments, earn a  
585 2.0 or higher grade point average, student portfolios, and, if  
586 determined by the State Board of Education, other measurable  
587 indicators of student progress ~~and pass the grade 10 FCAT~~  
588 ~~required in s. 1008.22(3) or an alternate assessment as~~

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described in s. 1008.22(10).

(2) Students who do not meet ~~have met~~ all requirements for the standard high school diploma ~~except for passage of the grade 10 FCAT or an alternate assessment~~ by the end of grade 12 must be provided the following learning opportunities:

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

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

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

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have not met all requirements for the standard high school diploma ~~except for passage of the grade 10 FCAT or alternate assessment~~ may receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to ~~take the FCAT or alternate assessment~~ and receive a standard high

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617 school diploma upon achievement of successful overall academic  
618 performance pursuant to subsection (1) ~~passage of the grade 10~~  
619 ~~FCAT or the alternate assessment~~. This subsection shall be  
620 implemented to the extent funding is provided in the General  
621 Appropriations Act.

622 Section 9. Paragraph (a) of subsection (1), paragraphs (c)  
623 and (g) of subsection (3), paragraphs (b) and (c) of subsection  
624 (4), paragraph (a) of subsection (7), paragraphs (b) and (c) of  
625 subsection (9), and subsections (10) through (13) of section  
626 1008.22, Florida Statutes, are amended to read:

627 1008.22 Student assessment program for public schools.—

628 (1) PURPOSE.—The primary purposes of the student  
629 assessment program are to provide information needed to improve  
630 the public schools by enhancing the learning gains of all  
631 students and to inform parents of the educational progress of  
632 their public school children. The program must be designed to:

633 (a) Assess the annual learning gains of each student  
634 toward achieving the Next Generation Sunshine State Standards  
635 appropriate for the student's grade level.

636 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
637 design and implement a statewide program of educational  
638 assessment that provides information for the improvement of the  
639 operation and management of the public schools, including  
640 schools operating for the purpose of providing educational  
641 services to youth in Department of Juvenile Justice programs.  
642 The commissioner may enter into contracts for the continued  
643 administration of the assessment, testing, and evaluation  
644 programs authorized and funded by the Legislature. Contracts may

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

(c) Develop and implement a student achievement testing program as follows:

1. Subject area assessments for students in grades 3 through 5, subject area assessments and end-of-course assessments for students in grades 6 through 12, and diagnostic assessments for students in grades 6, 8, and 10 shall measure ~~The Florida Comprehensive Assessment Test (FCAT) measures a student's content knowledge and skills in language arts reading, writing, science, and mathematics, and other core and noncore subject areas as determined by the State Board of Education. The content knowledge and skills assessed by the FCAT must be aligned to the core curricular content established in the Next Generation Sunshine State Standards. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10 except, beginning with the 2010-2011 school year, the administration of grade 9 FCAT Mathematics shall be discontinued, and beginning with the 2011-2012 school year, the administration of grade 10 FCAT Mathematics shall be discontinued, except as required for students who have not attained minimum performance expectations for graduation as provided in paragraph (9)(c). FCAT Writing and FCAT Science~~



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shall be administered at least once at the elementary, middle, and high school levels except, beginning with the 2011-2012 school year, the administration of FCAT Science at the high school level shall be discontinued.

2.a. End-of-course assessments for a subject shall be administered in addition to the comprehensive assessments required under subparagraph 1. End-of-course assessments must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by end-of-course assessments must be aligned to the core curricular content established in the Next Generation Sunshine State Standards.

(I) Statewide, standardized end-of-course assessments in mathematics shall be administered according to this sub-sub-subparagraph. Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I end-of-course assessment. ~~Students who earned high school credit in Algebra I while in grades 6 through 8 during the 2007-2008 through 2009-2010 school years and who have not taken Grade 10 FCAT Mathematics must take the Algebra I end-of-course assessment during the 2010-2011 school year. For students entering grade 9 during the 2010-2011 school year and who are enrolled in Algebra I or an equivalent,~~ Each student's performance on the end-of-course assessment in Algebra I shall constitute 20 ~~30~~ percent of the student's final course grade. ~~Beginning with students entering grade 9 in the 2011-2012 school year, a student who is enrolled in Algebra I or an equivalent must earn a passing score on the end-of-course assessment in~~

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701 ~~Algebra I or attain an equivalent score as described in~~  
702 ~~subsection (11) in order to earn course credit.~~ Beginning with  
703 the 2011-2012 school year, all students enrolled in geometry or  
704 an equivalent course must take the geometry end-of-course  
705 assessment. ~~For students entering grade 9 during the 2011-2012~~  
706 ~~school year,~~ Each student's performance on the end-of-course  
707 assessment in geometry shall constitute 20 ~~30~~ percent of the  
708 student's final course grade. ~~Beginning with students entering~~  
709 ~~grade 9 during the 2012-2013 school year, a student must earn a~~  
710 ~~passing score on the end-of-course assessment in geometry or~~  
711 ~~attain an equivalent score as described in subsection (11) in~~  
712 ~~order to earn course credit.~~

713 (II) Statewide, standardized end-of-course assessments in  
714 science shall be administered according to this sub-sub-  
715 subparagraph. Beginning with the 2011-2012 school year, all  
716 students enrolled in Biology I or an equivalent course must take  
717 the Biology I end-of-course assessment. ~~For the 2011-2012 school~~  
718 ~~year,~~ Each student's performance on the end-of-course assessment  
719 in Biology I shall constitute 20 ~~30~~ percent of the student's  
720 final course grade. ~~Beginning with students entering grade 9~~  
721 ~~during the 2012-2013 school year, a student must earn a passing~~  
722 ~~score on the end-of-course assessment in Biology I in order to~~  
723 ~~earn course credit.~~

724 b. During the 2012-2013 school year, an end-of-course  
725 assessment in civics education shall be administered as a field  
726 test at the middle school level. During the 2013-2014 school  
727 year, each student's performance on the statewide, standardized  
728 end-of-course assessment in civics education shall constitute 20

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729 30 percent of the student's final course grade. ~~Beginning with~~  
730 ~~the 2014-2015 school year, a student must earn a passing score~~  
731 ~~on the end-of-course assessment in civics education in order to~~  
732 ~~pass the course and receive course credit.~~

733 c. The commissioner may select one or more nationally  
734 developed comprehensive examinations, which may include, but  
735 need not be limited to, examinations for a College Board  
736 Advanced Placement course, International Baccalaureate course,  
737 or Advanced International Certificate of Education course, or  
738 industry-approved examinations to earn national industry  
739 certifications identified in the Industry Certification Funding  
740 List, pursuant to rules adopted by the State Board of Education,  
741 for use as end-of-course assessments under this paragraph, if  
742 the commissioner determines that the content knowledge and  
743 skills assessed by the examinations meet or exceed the grade  
744 level expectations for the core curricular content established  
745 for the course in the Next Generation Sunshine State Standards.  
746 The commissioner may collaborate with the American Diploma  
747 Project in the adoption or development of rigorous end-of-course  
748 assessments that are aligned to the Next Generation Sunshine  
749 State Standards.

750 d. Contingent upon funding provided in the General  
751 Appropriations Act, including the appropriation of funds  
752 received through federal grants, the Commissioner of Education  
753 shall establish an implementation schedule for the development  
754 and administration of additional statewide, standardized end-of-  
755 course assessments in English/Language Arts II, Algebra II,  
756 chemistry, physics, earth/space science, United States history,

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757 and world history. Priority shall be given to the development of  
758 end-of-course assessments in English/Language Arts II. ~~The~~  
759 ~~Commissioner of Education shall evaluate the feasibility and~~  
760 ~~effect of transitioning from the grade 9 and grade 10 FCAT~~  
761 ~~Reading and high school level FCAT Writing to an end-of-course~~  
762 ~~assessment in English/Language Arts II. The commissioner shall~~  
763 ~~report the results of the evaluation to the President of the~~  
764 ~~Senate and the Speaker of the House of Representatives no later~~  
765 ~~than July 1, 2011.~~

766 3. The testing program shall measure student content  
767 knowledge and skills adopted by the State Board of Education as  
768 specified in paragraph (a) and measure and report student  
769 performance levels of all students assessed ~~in reading, writing,~~  
770 ~~mathematics, and science.~~ The commissioner shall provide for the  
771 tests to be developed or obtained, as appropriate, through  
772 contracts and project agreements with private vendors, public  
773 vendors, public agencies, postsecondary educational  
774 institutions, or school districts. The commissioner shall obtain  
775 input with respect to the design and implementation of the  
776 testing program from education stakeholders and experts, state  
777 educators, assistive technology experts, and the public.

778 4.a. The testing program shall be composed of criterion-  
779 referenced tests that shall, to the extent determined by the  
780 commissioner, include test items that require the student to  
781 produce information or perform tasks in such a way that the core  
782 content knowledge and skills he or she uses can be measured.

783 b. The State Board of Education shall develop diagnostic  
784 assessments for students in grades 6, 8, and 10 in language

785 arts, mathematics, and science content knowledge and skills to  
786 be used to keep students on track to graduate from high school.  
787 The diagnostic assessments shall be administered during the  
788 first month of the school year and shall be designed to identify  
789 specific academic weaknesses in individual students and to  
790 provide specific diagnostic information to help focus  
791 instruction most effectively to meet the needs of individual  
792 students. A school district that demonstrates success by keeping  
793 85 percent or more of its students on track to graduate is  
794 eligible for an exemption from the diagnostic assessment  
795 requirements if the State Board of Education determines that the  
796 district has sufficient local assessments to maintain success. A  
797 district that meets the exemption criteria of this sub-  
798 subparagraph shall receive an amount of discretionary funds from  
799 the state equal to the amount that would be required to carry  
800 out the diagnostic assessments.

801 c. To ensure that students are progressing and meeting  
802 international benchmarks, the testing program may include use of  
803 international assessments, including the Program for  
804 International Student Assessment and the Trends in International  
805 Mathematics and Science Study, as diagnostic tools.

806 ~~5. FCAT Reading, Mathematics, and Science and All~~  
807 ~~statewide, standardized end-of-course~~ assessments shall measure  
808 the content knowledge and skills a student has attained on the  
809 assessment by the use of scaled scores and achievement levels.  
810 Achievement levels shall range from 1 through 5, with level 1  
811 being the lowest achievement level, level 5 being the highest  
812 achievement level, and level 3 indicating satisfactory

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813 performance on an assessment. ~~For purposes of FCAT Writing,~~  
814 ~~student achievement shall be scored using a scale of 1 through 6~~  
815 ~~and the score earned shall be used in calculating school grades.~~  
816 A score shall be designated for each subject area tested, below  
817 which score a student's performance is deemed inadequate. The  
818 school districts shall provide appropriate remedial instruction  
819 and intervention services to students who score below these  
820 levels.

821 6. The State Board of Education shall, by rule, designate  
822 a passing score for ~~each part of the grade 10 assessment test~~  
823 ~~and~~ end-of-course assessments. Any rule that has the effect of  
824 raising the required passing scores may apply only to students  
825 taking the assessment for the first time after the rule is  
826 adopted by the State Board of Education. Except as otherwise  
827 provided in this subparagraph and as provided in s.  
828 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must achieve  
829 successful overall academic performance based partially on end-  
830 of-course assessments ~~earn a passing score on grade 10 FCAT~~  
831 ~~Reading and grade 10 FCAT Mathematics~~ or attain equivalent  
832 ~~concordant~~ scores as described in subsection (10) in order to  
833 qualify for a standard high school diploma.

834 7. In addition to designating a passing score under  
835 subparagraph 6., the State Board of Education shall also  
836 designate, by rule, a score for each statewide, standardized  
837 end-of-course assessment which indicates that a student is high  
838 achieving and has the potential to meet college-readiness  
839 standards by the time the student graduates from high school.

840 8. Participation in the testing program is mandatory for

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all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. ~~A student who has not earned passing scores on the grade 10 FCAT as provided in subparagraph 6. must participate in each retake of the assessment until the student earns passing scores or achieves scores on a standardized assessment which are concordant with passing scores pursuant to subsection (10).~~ If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of a subject area assessment ~~the FCAT~~ or an end-of-course assessment. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on ~~the FCAT~~ ~~or~~ an end-of-course assessment may have ~~the FCAT or~~ an end-of-course assessment requirement waived pursuant to the

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requirements of s. 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

9. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

10. District school boards must provide instruction to prepare students in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected performance levels ~~in reading, writing, mathematics, and science~~. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

11. District school boards must provide opportunities for students to demonstrate an acceptable performance level on an alternative standardized subject area assessment or an end-of-course assessment approved by the State Board of Education following enrollment in summer academies.

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



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in the Next Generation Sunshine State Standards.

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

14. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. When establishing the schedules for the administration of statewide assessments, the commissioner shall consider the observance of religious and school holidays. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; ~~however, test results for the FCAT must be made available no later than the week of June 8.~~ Student results for end-of-course assessments must be provided no later than 1 week after the school district completes testing for each course.

b. Beginning with the 2010-2011 school year, a statewide comprehensive assessment in FCAT writing is not administered

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earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.

c. A statewide, standardized end-of-course assessment is administered during a 3-week period at the end of the course. The commissioner shall select a 3-week administration period for assessments that meets the intent of end-of-course assessments and provides student results prior to the end of the course. School districts shall select 1 testing week within the 3-week administration period for each end-of-course assessment. For an end-of-course assessment administered at the end of the first semester, the commissioner shall determine the most appropriate testing dates based on a school district's academic calendar.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Next Generation Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate

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percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

(g) Conduct ongoing analysis of the ~~Study the cost and student achievement~~ impact of secondary end-of-course assessments, including web-based and performance formats, and report such information to the Legislature ~~prior to~~ implementation.

(4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED ACTIVITIES.—Beginning with the 2008-2009 school year, a district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice tests or engaging in other test-preparation activities for a statewide assessment. However, a district school board may authorize a public school to engage in the following test-preparation activities for a statewide assessment:

(b) Providing individualized instruction in test-taking strategies, without suspending the school's regular program of curricula, for a student who is identified through performance on a subject area assessment or an end-of-course assessment as having a deficiency in test-taking skills ~~scores at Level 1 or Level 2 on a prior administration of the statewide assessment.~~

(c) Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for ~~a student who scores at Level 1 or Level 2 on a prior administration of the statewide assessment~~ or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

981 (7) REQUIRED ANALYSES.—The commissioner shall provide, at  
982 a minimum, for the following analyses of data produced by the  
983 student achievement testing program:

984 (a) The statistical system for the annual assessments  
985 shall use measures of student learning, such as subject area  
986 assessments and end-of-course assessments ~~the FCAT~~, to determine  
987 teacher, school, and school district statistical distributions,  
988 which shall be determined using available data from the  
989 assessments ~~FCAT~~, and other data collection as deemed  
990 appropriate by the Department of Education, to measure the  
991 differences in student prior year achievement compared to the  
992 current year achievement for the purposes of accountability and  
993 recognition.

994 (9) APPLICABILITY OF TESTING STANDARDS.—

995 (b) A student must attain the passing scores ~~on the~~  
996 ~~statewide assessment required for a standard high school diploma~~  
997 ~~or~~ for high school course credits under sub-sub-subparagraphs  
998 (3)(c)2.a.(I) and (II) which are in effect at the time the  
999 student enters grade 9. If a student transfers into a high  
1000 school, the school principal shall determine, in accordance with  
1001 State Board of Education rule, whether the student must take an  
1002 end-of-course assessment in a course for which the student has  
1003 credit that was earned from the previous school.

1004 (c) If the commissioner revises a statewide assessment and  
1005 the revisions require the State Board of Education to modify the  
1006 passing scores required for ~~a standard high school diploma or~~  
1007 ~~for~~ high school course credits under sub-sub-subparagraphs  
1008 (3)(c)2.a.(I) and (II), the commissioner may, with approval of

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the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. The state board shall adopt by rule passing scores for the revised assessment which are statistically equivalent to passing scores on the discontinued assessment for a student required under paragraph (b) to attain passing scores on the discontinued assessment.

~~(10) CONCORDANT SCORES FOR THE FCAT.—~~

~~(a) The Commissioner of Education shall analyze the content and concordant data sets for nationally recognized high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess if concordant scores for FCAT scores can be determined for high school graduation. When content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FCAT passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures change for the FCAT or for a high school achievement test for which a concordant score is determined, new concordant scores must be determined.~~

~~(b) The State Board of Education may define by rule the allowable uses, other than to satisfy the high school graduation requirement, for concordant scores as described in this subsection. Such uses may include, but need not be limited to, achieving appropriate standardized test scores required for the~~

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1037 ~~awarding of Florida Bright Futures Scholarships and college~~  
1038 ~~placement.~~

1039 (10) ~~(11)~~ EQUIVALENT SCORES FOR END-OF-COURSE ASSESSMENTS.—

1040 (a) The Commissioner of Education shall analyze the  
1041 content and equivalent data sets for nationally recognized high  
1042 school achievement tests and industry certification tests under  
1043 the Industry Certification Funding List, pursuant to rules  
1044 adopted by the State Board of Education, including, but not  
1045 limited to, ~~grade 10 FCAT Mathematics retakes until such retakes~~  
1046 ~~are discontinued pursuant to subsection (9),~~ the PSAT, the PLAN,  
1047 the SAT, the ACT, and the College Placement Test, to assess if  
1048 equivalent scores for end-of-course assessment scores can be  
1049 determined for passage of an end-of-course assessment. When  
1050 content alignment and equivalent scores can be determined, the  
1051 Commissioner of Education shall adopt those scores as meeting  
1052 the requirement to pass the end-of-course assessment and as  
1053 being sufficient to achieve additional purposes as determined by  
1054 rule. Each time that assessment content or scoring procedures  
1055 change for an end-of-course assessment or for a high school  
1056 achievement test or an industry certification test under the  
1057 Industry Certification Funding List, pursuant to rules adopted  
1058 by the State Board of Education for which an equivalent score is  
1059 determined, new equivalent scores must be determined.

1060 (b) Use of an equivalent score adopted by the State Board  
1061 of Education under paragraph (a) for purposes of grade  
1062 adjustment, grade forgiveness, or course credit recovery is  
1063 contingent upon and subject to district school board rules.

1064 (11) ~~(12)~~ REPORTS.—The Department of Education shall

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annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following:

(a) Longitudinal performance of students in mathematics and reading.

(b) Longitudinal performance of students by grade level in mathematics and reading.

(c) Longitudinal performance regarding efforts to close the achievement gap.

(d) Other student performance data based on national norm-referenced and criterion-referenced tests, when available, and numbers of students who after 8th grade enroll in adult education rather than other secondary education.

~~(12)-(13)~~ RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 10. Subsection (1), paragraph (b) of subsection (2), subsections (3) and (4), paragraphs (b) and (c) of subsection (5), paragraphs (b) and (c) of subsection (6), paragraph (b) of subsection (7), and paragraphs (a) and (b) of subsection (8) of section 1008.25, Florida Statutes, are amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(1) INTENT.—It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in language arts ~~reading, writing,~~ science, and mathematics; that district school board policies

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1093 facilitate such proficiency; and that each student and his or  
1094 her parent be informed of that student's academic progress.

1095 (2) COMPREHENSIVE PROGRAM.—Each district school board  
1096 shall establish a comprehensive program for student progression  
1097 which must include:

1098 (b) Specific levels of performance in language arts  
1099 ~~reading, writing,~~ science, and mathematics for each grade level,  
1100 including the levels of performance on statewide assessments as  
1101 defined by the commissioner, below which a student must receive  
1102 remediation or intervention services, or be retained within an  
1103 intensive program that is different from the previous year's  
1104 program and that takes into account the student's learning  
1105 style.

1106 (3) ALLOCATION OF RESOURCES.—District school boards shall  
1107 allocate remedial and supplemental instruction and intervention  
1108 resources to students in the following priority:

1109 (a) Students who are deficient in reading by the end of  
1110 grade 3.

1111 (b) Students who fail to meet performance levels required  
1112 for promotion consistent with the district school board's plan  
1113 for student progression required in paragraph (2) (b).

1114 (4) ASSESSMENT AND REMEDIATION.—

1115 (a) Each student must participate in the statewide  
1116 assessment program tests required by s. 1008.22. Each student  
1117 who does not meet specific levels of performance as determined  
1118 by the district school board in language arts ~~FCAT reading,~~  
1119 ~~writing,~~ science, and mathematics for each grade level, ~~or who~~  
1120 ~~scores below Level 3 in FCAT reading or FCAT mathematics,~~ must



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be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and math shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:

1. A federally required student plan such as an individual education plan;

2. A schoolwide system of progress monitoring for all students; or

3. An individualized progress monitoring plan.

The plan chosen must be designed to assist the student or the school in meeting state and district expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan required by s. 1011.62(9) shall include instructional and support services to be provided to meet the desired levels of performance. District school boards may require low-performing students to attend remediation or intervention programs held

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before or after regular school hours or during the summer if transportation is provided.

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in language arts ~~reading, writing,~~ science, and mathematics must continue to be provided with remedial or supplemental instruction or intervention services until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) ~~Beginning with the 2002-2003 school year,~~ If the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated ~~by scoring at Level 2 or higher~~ on the statewide subject area assessment ~~test~~ in reading for grade 3, the student may ~~must~~ be retained at the discretion of the principal after consultation with the student's teacher and parent.

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed supplemental instructional services and supports that will be provided to the

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child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child may ~~must~~ be retained ~~unless he or she is exempt from mandatory retention for good cause.~~

5. Strategies for parents to use in helping their child succeed in reading proficiency.

6. That the statewide subject area assessment ~~Florida Comprehensive Assessment Test (FCAT)~~ is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may promote students ~~only exempt students from mandatory retention~~, as provided in paragraph (5)(b), for good cause. Students promoted for good cause may include, but are not limited to, ~~exemptions shall be limited to~~ the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education

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plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Next Generation Sunshine State Standards in reading ~~equal to at least a Level 2 performance on the FCAT.~~

5. Students with disabilities ~~who participate in the FCAT and~~ who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation or intervention services in reading for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive remediation or intervention services in reading for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction or intervention services for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be

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1233 successful in improving reading among low-performing readers.

1234 (c) Promotions for good cause ~~Requests for good cause~~  
1235 ~~exemptions for students from the mandatory retention requirement~~  
1236 as described in subparagraphs (b)3. and 4. shall be made  
1237 consistent with the following:

1238 1. Documentation shall be submitted from the student's  
1239 teacher to the school principal that indicates that the  
1240 promotion of the student is appropriate and is based upon the  
1241 student's academic record. In order to minimize paperwork  
1242 requirements, such documentation shall consist only of the  
1243 existing progress monitoring plan, individual educational plan,  
1244 if applicable, report card, or student portfolio.

1245 2. The school principal shall review and discuss such  
1246 recommendation with the teacher and make the determination as to  
1247 whether the student should be promoted or retained. If the  
1248 school principal determines that the student should be promoted,  
1249 the school principal shall make such recommendation in writing  
1250 to the district school superintendent. The district school  
1251 superintendent shall accept or reject the school principal's  
1252 recommendation in writing.

1253 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

1254 (b) ~~Beginning with the 2004-2005 school year,~~ Each school  
1255 district shall:

1256 1. Conduct a review of student progress monitoring plans  
1257 for all students who ~~did not score above Level 1 on the reading~~  
1258 ~~portion of the FCAT and did not meet the criteria for a one of~~  
1259 ~~the good cause promotion exemptions~~ in paragraph (6)(b). The  
1260 review shall address additional supports and services, as

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described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

- a. Small group instruction.
- b. Reduced teacher-student ratios.
- c. More frequent progress monitoring.
- d. Tutoring or mentoring.
- e. Transition classes containing 3rd and 4th grade students.
- f. Extended school day, week, or year.
- g. Summer reading camps.

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause promotion ~~exemption~~ as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

4. Implement a policy for the midyear promotion of any

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1289 student retained under the provisions of paragraph (5) (b) who  
1290 can demonstrate that he or she is a successful and independent  
1291 reader, reading at or above grade level, and ready to be  
1292 promoted to grade 4. Tools that school districts may use in  
1293 reevaluating any student retained may include subsequent  
1294 assessments, alternative assessments, and portfolio reviews, in  
1295 accordance with rules of the State Board of Education. Students  
1296 promoted during the school year after November 1 must  
1297 demonstrate proficiency ~~above that required to score at Level 2~~  
1298 ~~on the grade 3 FCAT,~~ as determined by the State Board of  
1299 Education. The State Board of Education shall adopt standards  
1300 that provide a reasonable expectation that the student's  
1301 progress is sufficient to master appropriate 4th grade level  
1302 reading skills.

1303 5. Provide students who are retained under the provisions  
1304 of paragraph (5) (b) with a high-performing teacher as determined  
1305 by student performance data and above-satisfactory performance  
1306 appraisals.

1307 6. In addition to required reading enhancement and  
1308 acceleration strategies, provide parents of students to be  
1309 retained with at least one of the following instructional  
1310 options:

1311 a. Supplemental tutoring in scientifically research-based  
1312 reading services in addition to the regular reading block,  
1313 including tutoring before and/or after school.

1314 b. A "Read at Home" plan outlined in a parental contract,  
1315 including participation in "Families Building Better Readers  
1316 Workshops" and regular parent-guided home reading.

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1317 c. A mentor or tutor with specialized reading training.

1318 7. Establish a Reading Enhancement and Acceleration  
1319 Development (READ) Initiative. The focus of the READ Initiative  
1320 shall be to prevent the retention of grade 3 students and to  
1321 offer intensive accelerated reading instruction to grade 3  
1322 students who failed to meet standards for promotion to grade 4  
1323 and to each K-3 student who is assessed as exhibiting a reading  
1324 deficiency. The READ Initiative shall:

1325 a. Be provided to all K-3 students at risk of retention as  
1326 identified by the statewide assessment system used in Reading  
1327 First schools. The assessment must measure phonemic awareness,  
1328 phonics, fluency, vocabulary, and comprehension.

1329 b. Be provided during regular school hours in addition to  
1330 the regular reading instruction.

1331 c. Provide a state-identified reading curriculum that has  
1332 been reviewed by the Florida Center for Reading Research at  
1333 Florida State University and meets, at a minimum, the following  
1334 specifications:

1335 (I) Assists students assessed as exhibiting a reading  
1336 deficiency in developing the ability to read at grade level.

1337 (II) Provides skill development in phonemic awareness,  
1338 phonics, fluency, vocabulary, and comprehension.

1339 (III) Provides scientifically based and reliable  
1340 assessment.

1341 (IV) Provides initial and ongoing analysis of each  
1342 student's reading progress.

1343 (V) Is implemented during regular school hours.

1344 (VI) Provides a curriculum in core academic subjects to



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1345 assist the student in maintaining or meeting proficiency levels  
1346 for the appropriate grade in all academic subjects.

1347 8. Establish at each school, where applicable, an  
1348 Intensive Acceleration Class for retained grade 3 students ~~who~~  
1349 ~~subsequently score at Level 1 on the reading portion of the~~  
1350 ~~FCAT~~. The focus of the Intensive Acceleration Class shall be to  
1351 increase a child's reading level at least two grade levels in 1  
1352 school year. The Intensive Acceleration Class shall:

1353 a. Be provided to any student in grade 3 who does not meet  
1354 the proficiency level in reading required for promotion scores  
1355 ~~at Level 1 on the reading portion of the FCAT~~ and who was  
1356 retained in grade 3 the prior year because of inadequate  
1357 proficiency in reading ~~scoring at Level 1 on the reading portion~~  
1358 ~~of the FCAT~~.

1359 b. Have a reduced teacher-student ratio.

1360 c. Provide uninterrupted reading instruction for the  
1361 majority of student contact time each day and incorporate  
1362 opportunities to master the grade 4 Next Generation Sunshine  
1363 State Standards in other core subject areas.

1364 d. Use a reading program that is scientifically research-  
1365 based and has proven results in accelerating student reading  
1366 achievement within the same school year.

1367 e. Provide intensive language and vocabulary instruction  
1368 using a scientifically research-based program, including use of  
1369 a speech-language therapist.

1370 f. Include weekly progress monitoring measures to ensure  
1371 progress is being made.

1372 g. Report to the Department of Education, in the manner

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described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in language arts ~~reading, writing,~~ science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) Each district school board must annually publish in

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the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

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

2. By grade, the number and percentage of all students in grades 3 through 12 ~~10~~ performing below proficiency levels for the grade on statewide subject area assessments and end-of-course assessments in language arts, mathematics, and science ~~at Levels 1 and 2 on the reading portion of the FCAT.~~

3. By grade, the number and percentage of all students retained in grades 3 through 12 ~~10~~.

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

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

Section 11. Subsection (3) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who indicates an interest in postsecondary education ~~and scores at Level 2 or Level 3 on the reading portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on the mathematics assessments under s.~~

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~~1008.22(3)(c)~~. High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. The Department of Education shall purchase or develop the assessments necessary to perform the evaluations required by this subsection and shall work with the school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a community college within 2 years of achieving such scores shall not be required to enroll in remediation courses as a condition of acceptance to any community college. The high school shall use the results of the test to advise the students of any identified deficiencies and to the maximum extent practicable provide 12th grade students access to appropriate remedial instruction prior to high school graduation. The remedial instruction provided under this subsection shall be a collaborative effort between secondary and postsecondary educational institutions. To the extent courses are available, the Florida Virtual School may be used to provide the remedial instruction required by this subsection.

Section 12. Paragraphs (b) and (c) of subsection (3) and subsection (4) of section 1008.34, Florida Statutes, are amended to read:

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

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(3) DESIGNATION OF SCHOOL GRADES.—

(b)1. Beginning with the 2015-2016 school year for schools comprised of any combination of grades 3 through 8, 25 percent of the school grade shall be based on subject area assessment scores or end-of-course assessment scores in core and noncore subjects administered under s. 1008.22, as applicable, and the remaining 75 percent on the following factors:

a. Student achievement scores, including achievement scores for students seeking a special diploma;

b. Student learning gains as measured by annual subject area assessments in grades 3 through 5 or end-of-course assessments in grades 6 through 8 and learning gains for students seeking a special diploma as measured by alternate assessment tools, if necessary;

c. Improvement of the lowest 25th percentile of students in the school on subject area assessments in grades 3 through 5 or end-of-course assessments in grades 6 through 8, unless these students are exhibiting satisfactory performance;

d. The overall academic performance of the students in the school based on grade point average, student portfolios, readiness for grade promotion, and, if determined by the State Board of Education, other measurable indicators of student progress;

e. The growth or decline in the components listed in subparagraphs a.-d. from year to year; and

f. The school's use of technology and innovative practices. ~~A school's grade shall be based on a combination of:~~

~~a. Student achievement scores, including achievement on~~

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~~all FCAT assessments administered under s. 1008.22(3)(c)1., end-of-course assessments administered under s. 1008.22(3)(c)2.a., and achievement scores for students seeking a special diploma.~~

~~b. Student learning gains in reading and mathematics as measured by FCAT and end-of-course assessments, as described in s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.~~

~~c. Improvement of the lowest 25th percentile of students in the school in reading and mathematics on the FCAT or end-of-course assessments described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance.~~

2. Beginning with the 2015-2016 ~~2009-2010~~ school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12:

a. Fifty, ~~50~~ percent of the school grade shall be based on a combination of the following factors:

(I) Student achievement scores, including achievement scores for students seeking a special diploma;

(II) Student learning gains as measured by end-of-course assessments and learning gains for students seeking a special diploma as measured by alternate assessment tools, if necessary; and

(III) Improvement of the lowest 25th percentile of students in the school on end-of-course assessments, unless these students are exhibiting satisfactory performance. ~~listed in sub-subparagraphs 1.a.-c. and~~

b. The remaining 50 percent of the school grade shall be

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based on the following factors:

(I)~~a.~~ The high school graduation rate of the school;

(II)~~b.~~ As valid data becomes available, the performance and participation of the school's students in College Board Advanced Placement courses, International Baccalaureate courses, dual enrollment courses, and Advanced International Certificate of Education courses; and the students' achievement of national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

(III)~~c.~~ Postsecondary readiness of the school's students as measured by the SAT, ACT, or the common placement test;

(IV)~~d.~~ The high school graduation rate of at-risk students who did not meet proficiency levels ~~scored at Level 2 or lower~~ on the grade 8 end-of-course assessments in language arts, mathematics, and science ~~FCAT Reading and Mathematics examinations;~~

(V)~~e.~~ ~~As valid data becomes available,~~ The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c.; and

(VI)~~f.~~ The growth or decline in the components listed in sub-sub-subparagraphs (I)-(V) ~~sub-subparagraphs a.-e.~~ from year to year.

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

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on ~~the FCAT and~~ statewide, standardized end-of-course assessments in courses required for

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high school graduation, including, beginning with the 2010-2011 school year, the end-of-course assessment in Algebra I; and beginning with the 2011-2012 school year, the end-of-course assessments in geometry and Biology; and beginning with the 2013-2014 school year, on the statewide, standardized end-of-course assessment in civics education at the middle school level.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on ~~the FCAT and~~ end-of-course assessments as described in s. 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th percentile of students in the school ~~in reading and mathematics~~, unless these students are exhibiting satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. As used in this section and s. 1008.341, the term "home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. If an alternative



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1569 school chooses to be graded under this section, student  
1570 performance data for eligible students identified in this  
1571 subparagraph shall not be included in the home school's grade  
1572 but shall be included only in the calculation of the alternative  
1573 school's grade. ~~A school district that fails to assign the FCAT~~  
1574 ~~and end-of-course assessment as described in s.~~  
1575 ~~1008.22(3)(c)2.a. scores of each of its students to his or her~~  
1576 ~~home school or to the alternative school that receives a grade~~  
1577 ~~shall forfeit Florida School Recognition Program funds for 1~~  
1578 ~~fiscal year.~~ School districts must require collaboration between  
1579 the home school and the alternative school in order to promote  
1580 student success. This collaboration must include an annual  
1581 discussion between the principal of the alternative school and  
1582 the principal of each student's home school concerning the most  
1583 appropriate school assignment of the student.

1584 4. Beginning with the 2015-2016 school year for schools  
1585 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
1586 11, and 12, the data listed in subparagraphs 1.-3. and the  
1587 following data as the Department of Education determines such  
1588 data are valid and available:

1589 a. The high school graduation rate of the school as  
1590 calculated by the Department of Education;

1591 b. The participation rate of all eligible students  
1592 enrolled in the school and enrolled in College Board Advanced  
1593 Placement courses; International Baccalaureate courses; dual  
1594 enrollment courses; Advanced International Certificate of  
1595 Education courses; and courses or sequence of courses leading to  
1596 national industry certification identified in the Industry

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Certification Funding List, pursuant to rules adopted by the State Board of Education;

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

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

e. Earning of a national industry certification identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education;

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

g. The high school graduation rate of all eligible at-risk students enrolled in the school who did not meet proficiency levels ~~scored at Level 2 or lower~~ on the grade 8 end-of-course assessments in language arts, mathematics, and science ~~FCAT Reading and Mathematics examinations~~;

h. The performance of the school's students on statewide standardized end-of-course assessments administered under s. 1008.22(3)(c)2.b. and c.; and

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

The State Board of Education shall adopt appropriate criteria

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for each school grade. The criteria must also give added weight to student achievement in language arts ~~reading~~. Schools designated with a grade of "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile on subject area assessments or end-of-course assessments in language arts ~~reading and mathematics on the FCAT~~ and on end-of-course assessments as described in s. 1008.22(3)(c)2.a., unless these students are exhibiting satisfactory performance. Beginning with the 2015-2016 ~~2009-2010~~ school year for schools comprised of high school grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria for school grades must also give added weight to the graduation rate of all eligible at-risk students, as defined in this paragraph. Beginning in the 2015-2016 ~~2009-2010~~ school year, in order for a high school to be designated as having a grade of "A," making excellent progress, the school must demonstrate that at-risk students, as defined in this paragraph, in the school are making adequate progress.

(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. ~~Schools that improve at least one grade level are eligible for school recognition awards pursuant to s. 1008.36.~~

Section 13. Subsections (2) and (3) of section 1008.341, Florida Statutes, are amended to read:

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1008.341 School improvement rating for alternative schools.—

(2) SCHOOL IMPROVEMENT RATING.—An alternative school that provides dropout prevention and academic intervention services pursuant to s. 1003.53 shall receive a school improvement rating pursuant to this section. However, an alternative school shall not receive a school improvement rating if the number of its students for whom student performance data is available for the current year and previous year is less than the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student data under s. 1002.22 or 20 U.S.C. s. 1232g. The school improvement rating shall identify an alternative school as having one of the following ratings defined according to rules of the State Board of Education:

(a) "Improving" means the students attending the school are making more academic progress than when the students were served in their home schools.

(b) "Maintaining" means the students attending the school are making progress equivalent to the progress made when the students were served in their home schools.

(c) "Declining" means the students attending the school are making less academic progress than when the students were served in their home schools.

The school improvement rating shall be based on a comparison of student performance data for the current year and previous year. ~~Schools that improve at least one level or maintain an~~

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~~"improving" rating pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.~~

(3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data used in determining an alternative school's school improvement rating shall include:

(a) The aggregate scores on statewide assessments administered under s. 1008.22 for all eligible students who were assigned to and enrolled in the school during the October or February FTE count ~~and who have FCAT or comparable scores for the preceding school year.~~

(b) The overall academic performance of all eligible students in grades 3 through 12 based on grade point average, student portfolios, readiness for grade promotion, readiness for postsecondary education and careers, and, if determined by the State Board of Education, other measurable indicators of student progress. ~~The aggregate scores on statewide assessments administered under s. 1008.22 for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.~~

The assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.

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Section 14. Section 1008.36, Florida Statutes, is amended to read:

1008.36 Every Child Matters Program ~~Florida School Recognition Program.~~—

(1) The Legislature finds that in order to provide every student enrolled in K-12 public schools with the opportunity to achieve a successful public education, academic problems must be identified early, with remediation and intervention services to follow ~~there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.~~

(2) The Every Child Matters Program ~~Florida School Recognition Program~~ is created to provide ~~financial awards to public schools that:~~

(a) A curriculum-based, year-round measurement of academic performance for all public school students enrolled in kindergarten through grade 12. ~~Sustain high performance by receiving a school grade of "A," making excellent progress; or~~

(b) Remediation and intervention services to all public school students enrolled in kindergarten through grade 12 who are not meeting grade-level performance expectations.

~~Demonstrate exemplary improvement due to innovation and effort by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year.~~

(3) All public schools, including charter schools, ~~that~~

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1737 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to  
1738 participate in the program.

1739 (4) All ~~selected~~ schools shall receive financial  
1740 assistance awards depending on the availability of funds  
1741 appropriated and the number and size of schools selected to  
1742 ~~receive an award~~. Funds must be distributed to the school's  
1743 fiscal agent and placed in the school's account and must be used  
1744 for purposes listed in subsection (5) as determined jointly by  
1745 the school's staff and school advisory council. ~~If school staff~~  
1746 ~~and the school advisory council cannot reach agreement by~~  
1747 ~~February 1, the awards must be equally distributed to all~~  
1748 ~~classroom teachers currently teaching in the school. If a school~~  
1749 ~~selected to receive a school recognition award is no longer in~~  
1750 ~~existence at the time the award is paid, the district school~~  
1751 ~~superintendent shall distribute the funds to teachers who taught~~  
1752 ~~at the school in the previous year in the form of a bonus.~~

1753 (5) Every Child Matters Program funds ~~School recognition~~  
1754 ~~awards~~ must be used for the following:

1755 (a) Administration of a regular formative assessment  
1756 approved by the State Board of Education ~~Nonrecurring bonuses to~~  
1757 ~~the faculty and staff;~~

1758 (b) Nonrecurring expenditures for remediation of low-  
1759 performing students, including remediation programs and  
1760 intervention services adopted and administered by the Department  
1761 of Education;

1762 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment  
1763 or materials to assist in the remediation of low-performing  
1764 students; ~~maintaining and improving student performance; or~~

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1765        (d) Temporary personnel for the school to assist in the  
1766 remediation of low-performing students; maintaining and  
1767 improving student performance.

1768        (e) Contracts with private sector participants to provide  
1769 remediation services if 90 percent of the personnel providing  
1770 services reside in the state and the contracts include  
1771 requirements to ensure that the private sector participants are  
1772 accountable for performance; or

1773        (f) Transportation of students pursuant to s. 1002.31(3).

1774        (6) The Department of Education shall provide training and  
1775 informational resources for educators to administer the  
1776 formative assessment pursuant to paragraph (5)(a) and shall be  
1777 responsible for developing and implementing provisions for the  
1778 collection and analysis of the assessment data.

1779        (7) The Department of Education shall establish policies  
1780 and procedures for the development of individual education plans  
1781 for low-performing students who receive remediation and  
1782 intervention services pursuant to this section.

1783  
1784 ~~Notwithstanding statutory provisions to the contrary, incentive~~  
1785 ~~awards are not subject to collective bargaining.~~

1786        Section 15. Paragraph (b) of subsection (1) of section  
1787 1009.531, Florida Statutes, is amended to read:

1788        1009.531 Florida Bright Futures Scholarship Program;  
1789 student eligibility requirements for initial awards.—

1790        (1) Effective January 1, 2008, in order to be eligible for  
1791 an initial award from any of the three types of scholarships  
1792 under the Florida Bright Futures Scholarship Program, a student



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1793 must:

1794 (b) Earn a standard Florida high school diploma or its  
1795 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,  
1796 or s. 1003.435 unless:

1797 1. The student completes a home education program  
1798 according to s. 1002.41; or

1799 2. The student earns a high school diploma from a non-  
1800 Florida school while living with a parent or guardian who is on  
1801 military or public service assignment away from Florida.

1802 Section 16. Paragraph (d) of subsection (7) and paragraph  
1803 (c) of subsection (9) of section 1011.62, Florida Statutes, are  
1804 amended to read:

1805 1011.62 Funds for operation of schools.—If the annual  
1806 allocation from the Florida Education Finance Program to each  
1807 district for operation of schools is not determined in the  
1808 annual appropriations act or the substantive bill implementing  
1809 the annual appropriations act, it shall be determined as  
1810 follows:

1811 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1812 (d) Each district's allocation of sparsity supplement  
1813 funds shall be adjusted in the following manner:

1814 1. A maximum discretionary levy per FTE value for each  
1815 district shall be calculated by dividing the value of each  
1816 district's maximum discretionary levy by its FTE student count.

1817 2. A state average discretionary levy value per FTE shall  
1818 be calculated by dividing the total maximum discretionary levy  
1819 value for all districts by the state total FTE student count.

1820 3. A total potential funds per FTE for each district shall

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1821 be calculated by dividing the total potential funds, not  
1822 including Every Child Matters Program ~~Florida School Recognition~~  
1823 ~~Program~~ funds, Merit Award Program funds, and the minimum  
1824 guarantee funds, for each district by its FTE student count.

1825 4. A state average total potential funds per FTE shall be  
1826 calculated by dividing the total potential funds, not including  
1827 Every Child Matters Program ~~Florida School Recognition Program~~  
1828 funds, Merit Award Program funds, and the minimum guarantee  
1829 funds, for all districts by the state total FTE student count.

1830 5. For districts that have a levy value per FTE as  
1831 calculated in subparagraph 1. higher than the state average  
1832 calculated in subparagraph 2., a sparsity wealth adjustment  
1833 shall be calculated as the product of the difference between the  
1834 state average levy value per FTE calculated in subparagraph 2.  
1835 and the district's levy value per FTE calculated in subparagraph  
1836 1. and the district's FTE student count and -1. However, no  
1837 district shall have a sparsity wealth adjustment that, when  
1838 applied to the total potential funds calculated in subparagraph  
1839 3., would cause the district's total potential funds per FTE to  
1840 be less than the state average calculated in subparagraph 4.

1841 6. Each district's sparsity supplement allocation shall be  
1842 calculated by adding the amount calculated as specified in  
1843 paragraphs (a) and (b) and the wealth adjustment amount  
1844 calculated in this paragraph.

1845 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1846 (c) Funds allocated under this subsection must be used to  
1847 provide a system of comprehensive reading instruction to  
1848 students enrolled in the K-12 programs, which may include the

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following:

1. The provision of highly qualified reading coaches.

2. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.

3. The provision of summer reading camps for students who are reading below grade level ~~score at Level 1 on FCAT Reading.~~

4. The provision of supplemental instructional materials that are grounded in scientifically based reading research.

5. The provision of intensive interventions for middle and high school students reading below grade level.

Section 17. Paragraph (b) of subsection (1) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(b) Time to act on nominations.—The district school board shall act not later than 3 weeks following the receipt of ~~FCAT scores and data, including~~ school grades, or June 30, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.

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1875        Section 18. (1) Effective upon this act becoming a law,  
1876 the Commissioner of Education shall appoint a public school  
1877 assessment and accountability alignment committee to develop:

1878        (a) Standards for a revised statewide student assessment  
1879 program under s. 1008.22, Florida Statutes, consisting of  
1880 subject area assessments for students in grades 3 through 5,  
1881 subject area assessments and end-of-course assessments in core  
1882 and noncore subject areas for students in grades 6 through 12,  
1883 and diagnostic assessments for students in grades 6, 8, and 10.

1884        (b) Procedures for transitioning elementary schools from  
1885 the use of the Florida Comprehensive Assessment Test (FCAT) to  
1886 the use of subject area assessments and procedures for  
1887 transitioning middle schools and high schools from the use of  
1888 the FCAT to the use of subject area assessments and end-of-  
1889 course assessments.

1890        (c) Standards for revised formulas for determining school  
1891 grades and school improvement ratings under ss. 1008.34 and  
1892 1008.341, Florida Statutes.

1893        (2) The committee shall align the components of the  
1894 revised statewide student assessment program to best prepare  
1895 students to progress from one grade to the next and to  
1896 postsecondary education or careers after high school.

1897        (3) To ensure that the alignment committee represents a  
1898 cross-section of education stakeholders, it shall be composed of  
1899 individuals from:

1900        (a) The education community, including, but not limited  
1901 to, teachers and administrators representing elementary,  
1902 secondary, and higher education.

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1903        (b) Education associations, including, but not limited to,  
1904 associations for teachers, school administrators, and district  
1905 school boards.

1906        (c) State government and local government.

1907        (d) The business community.

1908        (e) Independent education researchers or experts.

1909        (4) Members of the alignment committee shall serve without  
1910 compensation but may be reimbursed for per diem and travel  
1911 expenses in accordance with s. 112.061, Florida Statutes.

1912        (5) The alignment committee may conduct public hearings  
1913 around the state to obtain public input for the development of a  
1914 revised statewide student assessment program and formulas for  
1915 determining school grades and school improvement ratings.

1916        (6) (a) By August 1, 2012, the alignment committee shall  
1917 begin work on the following:

1918        1. Developing new subject area assessments for students in  
1919 grades 3 through 5, subject area assessments and end-of-course  
1920 assessments for students in grades 6 through 12, and diagnostic  
1921 assessments for students in grades 6, 8, and 10.

1922        2. Transitioning to a revised method for determining  
1923 school grades and school improvement ratings based on factors  
1924 that include subject area assessments, end-of-course  
1925 assessments, overall student academic performance, and a  
1926 school's use of technology and innovative practices.

1927        (b) By August 1, 2014:

1928        1. The State Board of Education shall adopt rules pursuant  
1929 to ss. 120.536(1) and 120.54, Florida Statutes, to implement the  
1930 revised statewide student assessment program and school grading

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system as part of the state's public school assessment and  
accountability system beginning with the 2015-2016 school year.

2. The Department of Education and school districts shall  
begin training and professional development for teachers, school  
administrators, and other educational personnel in use of the  
new subject area assessments, end-of-course assessments, and  
diagnostic assessments.

(7) The alignment committee shall expire upon completion  
of its activities but no later than August 1, 2014.

Section 19. Except as otherwise expressly provided in this  
act and except for this section, which shall take effect upon  
this act becoming a law, this act shall take effect July 1,  
2015.