

By Senator Sachs

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1 A bill to be entitled
2 An act relating to public school education; amending
3 ss. 1002.33, 1003.03, 1003.413, and 1003.4156, F.S.,
4 relating to discontinuance of administration of the
5 Florida Comprehensive Assessment Test (FCAT), to
6 conform to changes made by the act; deleting
7 requirement that district school boards establish
8 policies for intensive reading and mathematics
9 intervention courses in high school; providing for
10 intervention services; amending s. 1003.428, F.S.;
11 requiring that students be advised of the availability
12 of certain courses for purposes of high school
13 graduation; providing for remediation and intervention
14 services in certain circumstances; revising general
15 requirements for high school graduation; conforming
16 provisions relating to discontinuance of FCAT
17 administration; amending s. 1003.429, F.S.; requiring
18 that students be advised of the availability of
19 certain courses for purposes of accelerated high
20 school graduation options; revising general
21 requirements for accelerated high school graduation;
22 conforming provisions relating to discontinuance of
23 FCAT administration; requiring the State Board of
24 Education to appoint a task force to develop high
25 school graduation standards for career-track students
26 and consider ways to provide unique curriculum
27 offerings; requiring the task force to submit
28 recommendations to the Legislature; amending s.
29 1003.433, F.S., relating to discontinuance of FCAT

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administration and revised general requirements for high school graduation, to conform to changes made by the act; amending s. 1008.22, F.S.; revising the statewide student assessment program to discontinue use of the FCAT; requiring the assessment program to consist of subject area assessments for students in grades 3 through 5, subject area assessments and end-of-course assessments in core and noncore subjects for students in grades 6 through 12, and diagnostic assessments for students in grades 6, 8, and 10; providing eligibility for exemption from certain assessment requirements; revising course grade and course credit requirements relating to student performance on end-of-course assessments; requiring school districts to provide intervention services to certain students; providing that results on end-of-course assessments are one component of requirements for high school graduation; revising provisions relating to test-preparation activities; deleting provisions relating to use of concordant scores for the FCAT; amending s. 1008.25, F.S.; requiring intervention services for certain students as part of the comprehensive program for student progression; conforming provisions relating to the revision of the statewide student assessment program; deleting mandatory retention for certain grade 3 students; authorizing promotion for good cause; providing for reporting; amending s. 1008.30, F.S.; revising provisions relating to use of the common placement

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test to conform to discontinuance of FCAT
administration; amending ss. 1008.34 and 1008.341,
F.S.; deleting use of the FCAT as a basis for
determining school grades and school improvement
ratings; providing for student results on subject area
assessments and end-of-course assessments to partially
determine school grades and school improvement
ratings; providing additional factors for such
determination; conforming provisions relating to
revision of the Florida School Recognition Program;
amending s. 1008.36, F.S.; changing the Florida School
Recognition Program to the Every Child Matters
Program; providing intent and purpose of the program;
providing for financial assistance to schools
providing remediation and intervention services to
certain students; specifying the uses of program
funds; providing Department of Education duties;
amending s. 1009.531, F.S.; adding a cross-reference
to high school graduation requirements; amending s.
1011.62, F.S.; conforming provisions relating to
revision of the Florida School Recognition Program and
discontinuance of FCAT administration; amending s.
1012.22, F.S.; conforming provisions relating to
discontinuance of FCAT administration; providing for
the appointment of a public school assessment and
accountability alignment committee to develop
standards for a revised statewide student assessment
program, procedures for transitioning to the new
program, and standards for determining school grades

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and school improvement ratings; providing for membership; providing duties of the alignment committee, the State Board of Education, and the Department of Education; providing a timetable for implementation; providing for future expiration of the alignment committee; providing effective dates.

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

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

1002.33 Charter schools.—

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student

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assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, subject area assessment scores, end-of-course assessment ~~FCAT~~ scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

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

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

- a. Includes both conversion charter schools and nonconversion charter schools;
- b. Has all schools located in the same county;
- c. Has a total enrollment exceeding the total enrollment of

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at least one school district in the state;

d. Has the same governing board; and

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

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

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

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

1003.03 Maximum class size.—

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

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

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

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Section 3. Paragraph (d) of subsection (3) of section 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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204 text.

205 2. Three middle school or higher courses in mathematics.
206 Each middle school must offer at least one high school level
207 mathematics course for which students may earn high school
208 credit. Successful completion of a high school level Algebra I
209 or geometry course is not contingent upon the student's
210 performance on the end-of-course assessment required under s.
211 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
212 school year, to earn high school credit for an Algebra I course,
213 a middle school student must pass the Algebra I end-of-course
214 assessment, and beginning with the 2012-2013 school year, to
215 earn high school credit for a geometry course, a middle school
216 student must pass the geometry end-of-course assessment.

217 3. Three middle school or higher courses in social studies,
218 one semester of which must include the study of state and
219 federal government and civics education. Beginning with students
220 entering grade 6 in the 2012-2013 school year, one of these
221 courses must be at least a one-semester civics education course
222 that a student successfully completes in accordance with s.
223 1008.22(3)(c) and that includes the roles and responsibilities
224 of federal, state, and local governments; the structures and
225 functions of the legislative, executive, and judicial branches
226 of government; and the meaning and significance of historic
227 documents, such as the Articles of Confederation, the
228 Declaration of Independence, and the Constitution of the United
229 States.

230 4. Three middle school or higher courses in science.
231 Successful completion of a high school level Biology I course is
232 not contingent upon the student's performance on the end-of-

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233 course assessment required under s. 1008.22(3)(c)2.a.(II).

234 However, beginning with the 2012-2013 school year, to earn high
235 school credit for a Biology I course, a middle school student
236 must pass the Biology I end-of-course assessment.

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

255
256 Each school must hold a parent meeting either in the evening or
257 on a weekend to inform parents about the course curriculum and
258 activities. Each student shall complete an electronic personal
259 education plan that must be signed by the student; the student's
260 instructor, guidance counselor, or academic advisor; and the
261 student's parent. The Department of Education shall develop

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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 (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;

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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 enrolled in and complete an intensive reading course~~ the following year. Placement of students Level 2 readers in either a ~~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

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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).

2. 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 and intervention services as soon as feasible but no later than the following year.

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

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

(b) 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. ~~Earning 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).~~

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

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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.

(8)

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

~~a. Completes the minimum number of credits and other~~

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requirements prescribed by subsections (1), (2), and (3).

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

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

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

1003.429 Accelerated high school graduation options.—

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

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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 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

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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;

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

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

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

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

474 2. Three credits and, beginning with students entering
475 grade 9 in the 2010-2011 school year, four credits in
476 mathematics, one of which must be Algebra I. Beginning with
477 students entering grade 9 in the 2010-2011 school year, in
478 addition to the Algebra I credit requirement, one of the four
479 credits in mathematics must be geometry or a series of courses
480 equivalent to geometry as approved by the State Board of
481 Education. Beginning with students entering grade 9 in the 2010-
482 2011 school year, the end-of-course assessment requirements
483 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
484 to earn the required credit in Algebra I. Beginning with
485 students entering grade 9 in the 2011-2012 school year, the end-
486 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
487 must be met in order for a student to earn the required credit
488 in geometry. Beginning with students entering grade 9 in the
489 2012-2013 school year, in addition to the Algebra I and geometry
490 credit requirements, one of the four credits in mathematics must
491 be Algebra II or a series of courses equivalent to Algebra II as
492 approved by the State Board of Education;

493 3. Three credits in science, two of which must have a

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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;

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

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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).~~

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~~

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552 ~~Writing assessment; or~~

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

555 Section 7. Effective upon this act becoming a law, the
556 State Board of Education shall appoint a task force to develop
557 high school graduation standards for students who plan to enroll
558 in a trade school or postsecondary technical institution after
559 high school. In addition, the task force shall consider ways to
560 allow school districts to provide unique curriculum offerings
561 for specific career opportunities and needs that are present in
562 a school district's area. The task force shall be comprised of
563 no less than 15 members representing, but not limited to,
564 academic experts in workforce education, high school principals,
565 teachers, and industry experts and shall be chaired by the
566 Chancellor for Career and Adult Education. The task force shall
567 prepare a report with recommendations for high school graduation
568 standards for career-track students and ways to incorporate
569 unique career curriculum offerings into a school district's
570 curriculum to be submitted by January 1, 2012, to the President
571 of the Senate, the Speaker of the House of Representative, and
572 the Governor.

573 Section 8. Subsections (1), (2), and (3) of section
574 1003.433, Florida Statutes, are amended to read:

575 1003.433 Learning opportunities for out-of-state and out-
576 of-country transfer students and students needing additional
577 instruction to meet high school graduation requirements.—

578 (1) Students who enter a Florida public school at the
579 eleventh or twelfth grade from out of state or from a foreign
580 country shall not be required to spend additional time in a

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Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must achieve successful overall academic performance based on end-of-course assessments, earn a 2.0 or higher grade point average, student portfolios, and, if determined by the State Board of Education, other measurable indicators of student progress ~~and pass the grade 10 FCAT required in s. 1008.22(3) or an alternate assessment as 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~~

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610 ~~attending an adult general education program shall have the~~
611 ~~opportunity to take the grade 10 FCAT an unlimited number of~~
612 ~~times in order to receive a standard high school diploma.~~

613 (3) Students who have been enrolled in an ESOL program for
614 less than 2 school years and have not met all requirements for
615 the standard high school diploma ~~except for passage of the grade~~
616 ~~10 FCAT or alternate assessment~~ may receive immersion English
617 language instruction during the summer following their senior
618 year. Students receiving such instruction are eligible to ~~take~~
619 ~~the FCAT or alternate assessment and~~ receive a standard high
620 school diploma upon achievement of successful overall academic
621 performance pursuant to subsection (1) ~~passage of the grade 10~~
622 ~~FCAT or the alternate assessment~~. This subsection shall be
623 implemented to the extent funding is provided in the General
624 Appropriations Act.

625 Section 9. Paragraph (a) of subsection (1), paragraphs (c)
626 and (g) of subsection (3), paragraphs (b) and (c) of subsection
627 (4), paragraph (a) of subsection (7), paragraphs (b) and (c) of
628 subsection (9), and subsections (10) through (13) of section
629 1008.22, Florida Statutes, are amended to read:

630 1008.22 Student assessment program for public schools.—

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

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

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

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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 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-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~~

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697 ~~entering grade 9 during the 2010-2011 school year and who are~~
698 ~~enrolled in Algebra I or an equivalent,~~ Each student's
699 performance on the end-of-course assessment in Algebra I shall
700 constitute 20 ~~30~~ percent of the student's final course grade.
701 ~~Beginning with students entering grade 9 in the 2011-2012 school~~
702 ~~year, a student who is enrolled in Algebra I or an equivalent~~
703 ~~must earn a passing score on the end-of-course assessment in~~
704 ~~Algebra I or attain an equivalent score as described in~~
705 ~~subsection (11) in order to earn course credit.~~ Beginning with
706 the 2011-2012 school year, all students enrolled in geometry or
707 an equivalent course must take the geometry end-of-course
708 assessment. ~~For students entering grade 9 during the 2011-2012~~
709 ~~school year,~~ Each student's performance on the end-of-course
710 assessment in geometry shall constitute 20 ~~30~~ percent of the
711 student's final course grade. ~~Beginning with students entering~~
712 ~~grade 9 during the 2012-2013 school year, a student must earn a~~
713 ~~passing score on the end-of-course assessment in geometry or~~
714 ~~attain an equivalent score as described in subsection (11) in~~
715 ~~order to earn course credit.~~

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

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726 ~~earn course credit.~~

727 b. During the 2012-2013 school year, an end-of-course
728 assessment in civics education shall be administered as a field
729 test at the middle school level. During the 2013-2014 school
730 year, each student's performance on the statewide, standardized
731 end-of-course assessment in civics education shall constitute 20
732 ~~30~~ percent of the student's final course grade. ~~Beginning with~~
733 ~~the 2014-2015 school year, a student must earn a passing score~~
734 ~~on the end-of-course assessment in civics education in order to~~
735 ~~pass the course and receive course credit.~~

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

753 d. Contingent upon funding provided in the General
754 Appropriations Act, including the appropriation of funds

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received through federal grants, the Commissioner of Education shall establish an implementation schedule for the development and administration of additional statewide, standardized end-of-course assessments in English/Language Arts II, Algebra II, chemistry, physics, earth/space science, United States history, and world history. Priority shall be given to the development of end-of-course assessments in English/Language Arts II. ~~The Commissioner of Education shall evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an end-of-course assessment in English/Language Arts II. The commissioner shall report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2011.~~

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

4.a. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to

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784 produce information or perform tasks in such a way that the core
785 content knowledge and skills he or she uses can be measured.

786 b. The State Board of Education shall develop diagnostic
787 assessments for students in grades 6, 8, and 10 in language
788 arts, mathematics, and science content knowledge and skills to
789 be used to keep students on track to graduate from high school.
790 The diagnostic assessments shall be administered during the
791 first month of the school year and shall be designed to identify
792 specific academic weaknesses in individual students and to
793 provide specific diagnostic information to help focus
794 instruction most effectively to meet the needs of individual
795 students. A school district that demonstrates success by keeping
796 85 percent or more of its students on track to graduate is
797 eligible for an exemption from the diagnostic assessment
798 requirements if the State Board of Education determines that the
799 district has sufficient local assessments to maintain success. A
800 district that meets the exemption criteria of this sub-
801 paragraph shall receive an amount of discretionary funds from
802 the state equal to the amount that would be required to carry
803 out the diagnostic assessments.

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

809 ~~5. FCAT Reading, Mathematics, and Science and All~~
810 ~~statewide, standardized end-of-course~~ assessments shall measure
811 the content knowledge and skills a student has attained on the
812 assessment by the use of scaled scores and achievement levels.

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813 Achievement levels shall range from 1 through 5, with level 1
814 being the lowest achievement level, level 5 being the highest
815 achievement level, and level 3 indicating satisfactory
816 performance on an assessment. ~~For purposes of FCAT Writing,~~
817 ~~student achievement shall be scored using a scale of 1 through 6~~
818 ~~and the score earned shall be used in calculating school grades.~~
819 A score shall be designated for each subject area tested, below
820 which score a student's performance is deemed inadequate. The
821 school districts shall provide appropriate remedial instruction
822 and intervention services to students who score below these
823 levels.

824 6. The State Board of Education shall, by rule, designate a
825 passing score for ~~each part of the grade 10 assessment test and~~
826 end-of-course assessments. Any rule that has the effect of
827 raising the required passing scores may apply only to students
828 taking the assessment for the first time after the rule is
829 adopted by the State Board of Education. Except as otherwise
830 provided in this subparagraph and as provided in s.

831 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must achieve
832 successful overall academic performance based partially on end-
833 of-course assessments ~~earn a passing score on grade 10 FCAT~~
834 ~~Reading and grade 10 FCAT Mathematics~~ or attain equivalent
835 ~~concordant~~ scores as described in subsection (10) in order to
836 qualify for a standard high school diploma.

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

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standards by the time the student graduates from high school.

8. Participation in the testing program is mandatory for 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-

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871 course assessment requirement waived pursuant to the
872 requirements of s. 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

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

876 10. District school boards must provide instruction to
877 prepare students in the core curricular content established in
878 the Next Generation Sunshine State Standards adopted under s.
879 1003.41, including the core content knowledge and skills
880 necessary for successful grade-to-grade progression and high
881 school graduation. If a student is provided with instructional
882 accommodations in the classroom that are not allowable as
883 accommodations in the statewide assessment program, as described
884 in the test manuals, the district must inform the parent in
885 writing and must provide the parent with information regarding
886 the impact on the student's ability to meet expected performance
887 levels ~~in reading, writing, mathematics, and science~~. The
888 commissioner shall conduct studies as necessary to verify that
889 the required core curricular content is part of the district
890 instructional programs.

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

896 12. The Department of Education must develop, or select,
897 and implement a common battery of assessment tools that will be
898 used in all juvenile justice programs in the state. These tools
899 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 earlier than the week of March 1 and a comprehensive statewide

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

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(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.

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

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

997 (9) APPLICABILITY OF TESTING STANDARDS.—

998 (b) A student must attain the passing scores ~~on the~~
999 ~~statewide assessment required for a standard high school diploma~~
1000 ~~or~~ for high school course credits under sub-sub-subparagraphs
1001 (3)(c)2.a.(I) and (II) which are in effect at the time the
1002 student enters grade 9. If a student transfers into a high
1003 school, the school principal shall determine, in accordance with
1004 State Board of Education rule, whether the student must take an
1005 end-of-course assessment in a course for which the student has
1006 credit that was earned from the previous school.

1007 (c) If the commissioner revises a statewide assessment and
1008 the revisions require the State Board of Education to modify the
1009 passing scores required for ~~a standard high school diploma or~~
1010 ~~for~~ high school course credits under sub-sub-subparagraphs
1011 (3)(c)2.a.(I) and (II), the commissioner may, with approval of
1012 the state board, discontinue administration of the former
1013 assessment upon the graduation, based on normal student
1014 progression, of students participating in the final regular
1015 administration of the former assessment. The state board shall

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

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

(a) The Commissioner of Education shall analyze the content and equivalent data sets for nationally recognized high school

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1045 achievement tests and industry certification tests under the
1046 Industry Certification Funding List, pursuant to rules adopted
1047 by the State Board of Education, including, but not limited to,
1048 ~~grade 10 FCAT Mathematics retakes until such retakes are~~
1049 ~~discontinued pursuant to subsection (9),~~ the PSAT, the PLAN, the
1050 SAT, the ACT, and the College Placement Test, to assess if
1051 equivalent scores for end-of-course assessment scores can be
1052 determined for passage of an end-of-course assessment. When
1053 content alignment and equivalent scores can be determined, the
1054 Commissioner of Education shall adopt those scores as meeting
1055 the requirement to pass the end-of-course assessment and as
1056 being sufficient to achieve additional purposes as determined by
1057 rule. Each time that assessment content or scoring procedures
1058 change for an end-of-course assessment or for a high school
1059 achievement test or an industry certification test under the
1060 Industry Certification Funding List, pursuant to rules adopted
1061 by the State Board of Education for which an equivalent score is
1062 determined, new equivalent scores must be determined.

1063 (b) Use of an equivalent score adopted by the State Board
1064 of Education under paragraph (a) for purposes of grade
1065 adjustment, grade forgiveness, or course credit recovery is
1066 contingent upon and subject to district school board rules.

1067 (11) ~~(12)~~ REPORTS.—The Department of Education shall
1068 annually provide a report to the Governor, the President of the
1069 Senate, and the Speaker of the House of Representatives on the
1070 following:

1071 (a) Longitudinal performance of students in mathematics and
1072 reading.

1073 (b) Longitudinal performance of students by grade level in

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1074 mathematics and reading.

1075 (c) Longitudinal performance regarding efforts to close the
1076 achievement gap.

1077 (d) Other student performance data based on national norm-
1078 referenced and criterion-referenced tests, when available, and
1079 numbers of students who after 8th grade enroll in adult
1080 education rather than other secondary education.

1081 (12)~~(13)~~ RULES.—The State Board of Education shall adopt
1082 rules pursuant to ss. 120.536(1) and 120.54 to implement the
1083 provisions of this section.

1084 Section 10. Subsection (1), paragraph (b) of subsection
1085 (2), subsections (3) and (4), paragraphs (b) and (c) of
1086 subsection (5), paragraphs (b) and (c) of subsection (6),
1087 paragraph (b) of subsection (7), and paragraphs (a) and (b) of
1088 subsection (8) of section 1008.25, Florida Statutes, are amended
1089 to read:

1090 1008.25 Public school student progression; remedial
1091 instruction; reporting requirements.—

1092 (1) INTENT.—It is the intent of the Legislature that each
1093 student's progression from one grade to another be determined,
1094 in part, upon proficiency in language arts ~~reading, writing,~~
1095 science, and mathematics; that district school board policies
1096 facilitate such proficiency; and that each student and his or
1097 her parent be informed of that student's academic progress.

1098 (2) COMPREHENSIVE PROGRAM.—Each district school board shall
1099 establish a comprehensive program for student progression which
1100 must include:

1101 (b) Specific levels of performance in language arts
1102 ~~reading, writing,~~ science, and mathematics for each grade level,

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including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation or intervention services, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

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

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

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

(4) ASSESSMENT AND REMEDIATION.—

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

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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 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

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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 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,

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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 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~~

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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 successful in improving reading among low-performing readers.

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

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

2. The school principal shall review and discuss such

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1248 recommendation with the teacher and make the determination as to
1249 whether the student should be promoted or retained. If the
1250 school principal determines that the student should be promoted,
1251 the school principal shall make such recommendation in writing
1252 to the district school superintendent. The district school
1253 superintendent shall accept or reject the school principal's
1254 recommendation in writing.

1255 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

1256 (b) ~~Beginning with the 2004-2005 school year,~~ Each school
1257 district shall:

1258 1. Conduct a review of student progress monitoring plans
1259 for all students who ~~did not score above Level 1 on the reading~~
1260 ~~portion of the FCAT and did not meet the criteria for a one of~~
1261 ~~the good cause promotion exemptions~~ in paragraph (6)(b). The
1262 review shall address additional supports and services, as
1263 described in this subsection, needed to remediate the identified
1264 areas of reading deficiency. The school district shall require a
1265 student portfolio to be completed for each such student.

1266 2. Provide students who are retained under the provisions
1267 of paragraph (5)(b) with intensive instructional services and
1268 supports to remediate the identified areas of reading
1269 deficiency, including a minimum of 90 minutes of daily,
1270 uninterrupted, scientifically research-based reading instruction
1271 and other strategies prescribed by the school district, which
1272 may include, but are not limited to:

- 1273 a. Small group instruction.
1274 b. Reduced teacher-student ratios.
1275 c. More frequent progress monitoring.
1276 d. Tutoring or mentoring.

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1277 e. Transition classes containing 3rd and 4th grade
1278 students.

1279 f. Extended school day, week, or year.

1280 g. Summer reading camps.

1281 3. Provide written notification to the parent of any
1282 student who is retained under the provisions of paragraph (5) (b)
1283 that his or her child has not met the proficiency level required
1284 for promotion and the reasons the child is not eligible for a
1285 good cause promotion ~~exemption~~ as provided in paragraph (6) (b).
1286 The notification must comply with the provisions of s.
1287 1002.20(15) and must include a description of proposed
1288 interventions and supports that will be provided to the child to
1289 remediate the identified areas of reading deficiency.

1290 4. Implement a policy for the midyear promotion of any
1291 student retained under the provisions of paragraph (5) (b) who
1292 can demonstrate that he or she is a successful and independent
1293 reader, reading at or above grade level, and ready to be
1294 promoted to grade 4. Tools that school districts may use in
1295 reevaluating any student retained may include subsequent
1296 assessments, alternative assessments, and portfolio reviews, in
1297 accordance with rules of the State Board of Education. Students
1298 promoted during the school year after November 1 must
1299 demonstrate proficiency ~~above that required to score at Level 2~~
1300 ~~on the grade 3 FCAT~~, as determined by the State Board of
1301 Education. The State Board of Education shall adopt standards
1302 that provide a reasonable expectation that the student's
1303 progress is sufficient to master appropriate 4th grade level
1304 reading skills.

1305 5. Provide students who are retained under the provisions

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of paragraph (5) (b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

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

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

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

c. A mentor or tutor with specialized reading training.

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

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

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

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at

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Florida State University and meets, at a minimum, the following specifications:

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

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

(III) Provides scientifically based and reliable assessment.

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

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

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

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

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate

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opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.

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

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

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

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

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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 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

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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.~~ ~~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

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1451 extent courses are available, the Florida Virtual School may be
1452 used to provide the remedial instruction required by this
1453 subsection.

1454 Section 12. Paragraphs (b) and (c) of subsection (3) and
1455 subsection (4) of section 1008.34, Florida Statutes, are amended
1456 to read:

1457 1008.34 School grading system; school report cards;
1458 district grade.—

1459 (3) DESIGNATION OF SCHOOL GRADES.—

1460 (b)1. Beginning with the 2015-2016 school year for schools
1461 comprised of any combination of grades 3 through 8, 25 percent
1462 of the school grade shall be based on subject area assessment
1463 scores or end-of-course assessment scores in core and noncore
1464 subjects administered under s. 1008.22, as applicable, and the
1465 remaining 75 percent on the following factors:

1466 a. Student achievement scores, including achievement scores
1467 for students seeking a special diploma;

1468 b. Student learning gains as measured by annual subject
1469 area assessments in grades 3 through 5 or end-of-course
1470 assessments in grades 6 through 8 and learning gains for
1471 students seeking a special diploma as measured by alternate
1472 assessment tools, if necessary;

1473 c. Improvement of the lowest 25th percentile of students in
1474 the school on subject area assessments in grades 3 through 5 or
1475 end-of-course assessments in grades 6 through 8, unless these
1476 students are exhibiting satisfactory performance;

1477 d. The overall academic performance of the students in the
1478 school based on grade point average, student portfolios,
1479 readiness for grade promotion, and, if determined by the State

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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 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;

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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 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.

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(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 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

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1567 included in the calculation of the home school's grade. As used
1568 in this section and s. 1008.341, the term "home school" means
1569 the school to which the student would be assigned if the student
1570 were not assigned to an alternative school. If an alternative
1571 school chooses to be graded under this section, student
1572 performance data for eligible students identified in this
1573 subparagraph shall not be included in the home school's grade
1574 but shall be included only in the calculation of the alternative
1575 school's grade. ~~A school district that fails to assign the FCAT~~
1576 ~~and end-of-course assessment as described in s.~~
1577 ~~1008.22(3)(c)2.a. scores of each of its students to his or her~~
1578 ~~home school or to the alternative school that receives a grade~~
1579 ~~shall forfeit Florida School Recognition Program funds for 1~~
1580 ~~fiscal year.~~ School districts must require collaboration between
1581 the home school and the alternative school in order to promote
1582 student success. This collaboration must include an annual
1583 discussion between the principal of the alternative school and
1584 the principal of each student's home school concerning the most
1585 appropriate school assignment of the student.

1586 4. Beginning with the 2015-2016 school year for schools
1587 comprised of high school grades 9, 10, 11, and 12, or grades 10,
1588 11, and 12, the data listed in subparagraphs 1.-3. and the
1589 following data as the Department of Education determines such
1590 data are valid and available:

1591 a. The high school graduation rate of the school as
1592 calculated by the Department of Education;

1593 b. The participation rate of all eligible students enrolled
1594 in the school and enrolled in College Board Advanced Placement
1595 courses; International Baccalaureate courses; dual enrollment

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courses; Advanced International Certificate of Education courses; and courses or sequence of courses leading to national industry certification identified in the Industry 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.

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The State Board of Education shall adopt appropriate criteria 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,

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Florida Statutes, are amended to read:

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.

Section 14. Section 1008.36, Florida Statutes, is amended

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

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(4) All ~~selected~~ schools shall receive financial assistance ~~awards~~ depending on the availability of funds appropriated ~~and the number and size of schools selected to receive an award.~~

Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. ~~If school staff and the school advisory council cannot reach agreement by February 1, the awards must be equally distributed to all classroom teachers currently teaching in the school. If a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district school superintendent shall distribute the funds to teachers who taught at the school in the previous year in the form of a bonus.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1799 1. The student completes a home education program according
1800 to s. 1002.41; or

1801 2. The student earns a high school diploma from a non-
1802 Florida school while living with a parent or guardian who is on
1803 military or public service assignment away from Florida.

1804 Section 16. Paragraph (d) of subsection (7) and paragraph
1805 (c) of subsection (9) of section 1011.62, Florida Statutes, are
1806 amended to read:

1807 1011.62 Funds for operation of schools.—If the annual
1808 allocation from the Florida Education Finance Program to each
1809 district for operation of schools is not determined in the
1810 annual appropriations act or the substantive bill implementing
1811 the annual appropriations act, it shall be determined as
1812 follows:

1813 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1814 (d) Each district's allocation of sparsity supplement funds
1815 shall be adjusted in the following manner:

1816 1. A maximum discretionary levy per FTE value for each
1817 district shall be calculated by dividing the value of each
1818 district's maximum discretionary levy by its FTE student count.

1819 2. A state average discretionary levy value per FTE shall
1820 be calculated by dividing the total maximum discretionary levy
1821 value for all districts by the state total FTE student count.

1822 3. A total potential funds per FTE for each district shall
1823 be calculated by dividing the total potential funds, not
1824 including Every Child Matters Program ~~Florida School Recognition~~
1825 ~~Program~~ funds, Merit Award Program funds, and the minimum
1826 guarantee funds, for each district by its FTE student count.

1827 4. A state average total potential funds per FTE shall be

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calculated by dividing the total potential funds, not including
Every Child Matters Program ~~Florida School Recognition Program~~
funds, Merit Award Program funds, and the minimum guarantee
funds, for all districts by the state total FTE student count.

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

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

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

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

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1857 3. The provision of summer reading camps for students who
1858 are reading below grade level ~~score at Level 1 on FCAT Reading.~~

1859 4. The provision of supplemental instructional materials
1860 that are grounded in scientifically based reading research.

1861 5. The provision of intensive interventions for middle and
1862 high school students reading below grade level.

1863 Section 17. Paragraph (b) of subsection (1) of section
1864 1012.22, Florida Statutes, is amended to read:

1865 1012.22 Public school personnel; powers and duties of the
1866 district school board.—The district school board shall:

1867 (1) Designate positions to be filled, prescribe
1868 qualifications for those positions, and provide for the
1869 appointment, compensation, promotion, suspension, and dismissal
1870 of employees as follows, subject to the requirements of this
1871 chapter:

1872 (b) *Time to act on nominations.*—The district school board
1873 shall act not later than 3 weeks following the receipt of ~~FCAT~~
1874 ~~scores and data, including~~ school grades, or June 30, whichever
1875 is later, on the district school superintendent's nominations of
1876 supervisors, principals, and members of the instructional staff.

1877 Section 18. (1) Effective upon this act becoming a law, the
1878 Commissioner of Education shall appoint a public school
1879 assessment and accountability alignment committee to develop:

1880 (a) Standards for a revised statewide student assessment
1881 program under s. 1008.22, Florida Statutes, consisting of
1882 subject area assessments for students in grades 3 through 5,
1883 subject area assessments and end-of-course assessments in core
1884 and noncore subject areas for students in grades 6 through 12,
1885 and diagnostic assessments for students in grades 6, 8, and 10.

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

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

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

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

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

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

(c) State government and local government.

(d) The business community.

(e) Independent education researchers or experts.

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

(5) The alignment committee may conduct public hearings

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1915 around the state to obtain public input for the development of a
1916 revised statewide student assessment program and formulas for
1917 determining school grades and school improvement ratings.

1918 (6) (a) By August 1, 2012, the alignment committee shall
1919 begin work on the following:

1920 1. Developing new subject area assessments for students in
1921 grades 3 through 5, subject area assessments and end-of-course
1922 assessments for students in grades 6 through 12, and diagnostic
1923 assessments for students in grades 6, 8, and 10.

1924 2. Transitioning to a revised method for determining school
1925 grades and school improvement ratings based on factors that
1926 include subject area assessments, end-of-course assessments,
1927 overall student academic performance, and a school's use of
1928 technology and innovative practices.

1929 (b) By August 1, 2014:

1930 1. The State Board of Education shall adopt rules pursuant
1931 to ss. 120.536(1) and 120.54, Florida Statutes, to implement the
1932 revised statewide student assessment program and school grading
1933 system as part of the state's public school assessment and
1934 accountability system beginning with the 2015-2016 school year.

1935 2. The Department of Education and school districts shall
1936 begin training and professional development for teachers, school
1937 administrators, and other educational personnel in use of the
1938 new subject area assessments, end-of-course assessments, and
1939 diagnostic assessments.

1940 (7) The alignment committee shall expire upon completion of
1941 its activities but no later than August 1, 2014.

1942 Section 19. Except as otherwise expressly provided in this
1943 act and except for this section, which shall take effect upon

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1944 this act becoming a law, this act shall take effect July 1,
1945 2015.