

1 A bill to be entitled
2 An act relating to public school curricular standards;
3 amending s. 1003.41, F.S.; requiring the State Board of
4 Education to review the Sunshine State Standards and
5 replace them with enhanced curricular standards;
6 establishing requirements for the standards; providing
7 requirements for the adoption, review, and revision of the
8 standards; requiring evaluation of proposed standards;
9 authorizing the adoption of rules; amending s. 1000.21,
10 F.S.; revising the systemwide definition of "Sunshine
11 State Standards"; amending s. 1001.03, F.S.; requiring the
12 state board to review and revise the Sunshine State
13 Standards; conforming provisions; amending s. 1001.41,
14 F.S.; conforming provisions relating to district school
15 board adoption of standards and policies; amending s.
16 1001.42, F.S.; prohibiting school district expenditure of
17 legislative appropriations for purposes of Florida
18 Comprehensive Assessment Test (FCAT) preparation;
19 providing penalties for unlawful expenditures; amending
20 ss. 1003.428, 1003.429, 1003.43, 1003.433, 1006.28, and
21 1006.31, F.S.; conforming provisions and cross-references;
22 amending s. 1006.34, F.S.; specifying additional criteria
23 for evaluating instructional materials; conforming
24 provisions; amending s. 1006.38, F.S.; conforming
25 provisions; amending s. 1006.40, F.S.; requiring
26 instructional materials to align to the Sunshine State
27 Standards; prohibiting school district expenditure of the
28 instructional materials allocation for purposes of FCAT

29 preparation; requiring notification to manufacturers and
30 publishers; providing a penalty; authorizing purchases of
31 certain technology devices; amending s. 1008.22, F.S.;
32 revising requirements and conforming provisions relating
33 to the statewide assessment program; revising powers and
34 duties of the Commissioner of Education; requiring the
35 FCAT to assess students in social studies by a certain
36 time; providing for end-of-course assessments; requiring
37 the content knowledge and skills assessed by the FCAT and
38 end-of-course assessments to align to the Sunshine State
39 Standards; deleting provisions relating to documentation
40 of certain testing procedures; providing restrictions on
41 the development or publication of test-preparation
42 materials; revising requirements for norm-referenced
43 tests; establishing requirements for FCAT testing and
44 reporting schedules; prohibiting certain practice testing
45 and FCAT-preparation activities; requiring public schools
46 to comply with statewide assessment and reporting
47 schedules; establishing requirements for calculating
48 student scores on revised statewide assessments; providing
49 for the discontinued administration of former assessments;
50 requiring the state board to adopt rules establishing
51 passing scores on revised assessments required for a
52 standard high school diploma; clarifying determination of
53 concordant scores for the FCAT; amending s. 1008.25, F.S.;
54 requiring each district school board's student progression
55 program to include performance in social studies;
56 requiring assessment, remediation, and reporting related

57 thereto; amending s. 1008.34, F.S.; exempting certain
 58 schools from receiving school grades; revising the
 59 definition of "home school" for purposes of calculating
 60 school grades for alternative schools; requiring annual
 61 collaboration among school principals concerning the
 62 school assignment of students attending an alternative
 63 school; amending s. 1008.341, F.S.; exempting certain
 64 alternative schools from receiving school improvement
 65 ratings; amending s. 1008.345, F.S.; conforming
 66 provisions; providing an effective date.

67
 68 Be It Enacted by the Legislature of the State of Florida:

69
 70 Section 1. Section 1003.41, Florida Statutes, is amended
 71 to read:

72 1003.41 Sunshine State Standards.--

73 (1) Public K-12 educational instruction in Florida shall
 74 be ~~is~~ based on the "Sunshine State Standards." The State Board
 75 of Education shall review the Sunshine State Standards and
 76 replace them with enhanced curricular standards that establish
 77 the core content of the curricula to be taught in this state and
 78 that specify the core content knowledge and skills that K-12
 79 public school students are expected to acquire. The enhanced
 80 curricular standards must, at a minimum:

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

83 1. Language arts standards must establish specific
 84 curricular content for, at a minimum, reading, grammar,

85 literature, and writing. The standards must include distinct
86 grade-level expectations for the core content knowledge and
87 skills that a student is expected to have acquired by each
88 individual grade level from kindergarten through grade 12. The
89 language arts standards must also identify a specific list of
90 authors, important literary works, and literary traditions that
91 a student is expected to have read by each individual grade
92 level. The State Board of Education shall, in accordance with
93 the expedited schedule established under subsection (2), review
94 and replace the reading and language arts standards adopted by
95 the state board in 2007 with enhanced curricular standards that
96 comply with this subparagraph.

97 2. Science standards must establish specific curricular
98 content for, at a minimum, the nature of science, earth and
99 space science, physical science, and life science. The standards
100 must include distinct grade-level expectations for the core
101 content knowledge and skills that a student is expected to have
102 acquired by each individual grade level from kindergarten
103 through grade 8. The science standards for grades 9 through 12
104 may be organized by grade clusters of more than one grade level.

105 3. Mathematics standards must establish specific
106 curricular content for, at a minimum, algebra, geometry,
107 probability, statistics, calculus, discrete mathematics,
108 financial literacy, and trigonometry. The standards must include
109 distinct grade-level expectations for the core content knowledge
110 and skills that a student is expected to have acquired by each
111 individual grade level from kindergarten through grade 8. The
112 mathematics standards for grades 9 through 12 may be organized

113 by grade clusters of more than one grade level.

114 4. Social studies standards must establish specific
 115 curricular content for, at a minimum, geography, history,
 116 government, civics, economics, United States patriotism, and
 117 national sovereignty. The standards must include distinct grade-
 118 level expectations for the core content knowledge and skills
 119 that a student is expected to have acquired by each individual
 120 grade level from kindergarten through grade 8. The social
 121 studies standards for grades 9 through 12 may be organized by
 122 grade clusters of more than one grade level

123 (b) Establish the core curricular content for visual and
 124 performing arts, physical education, health, and foreign
 125 languages. Standards for these subjects must establish specific
 126 curricular content and include distinct grade-level expectations
 127 for the core content knowledge and skills that a student is
 128 expected to have acquired by each individual grade level from
 129 kindergarten through grade 5. The standards for grades 6 through
 130 12 may be organized by grade clusters of more than one grade
 131 level.

132 (c) Identify the core curricular content that a student is
 133 expected to learn, for each subject at each individual grade
 134 level, in order to acquire the broad background knowledge needed
 135 for reading comprehension.

136 (d) Be rigorous and relevant and provide for the logical,
 137 sequential progression of core curricular content that
 138 incrementally increases a student's core content knowledge and
 139 skills over time.

140 (e) Integrate critical-thinking and problem-solving

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141 skills; communication, reading, and writing skills; mathematics
142 skills; collaboration skills; contextual and applied-learning
143 skills; technology-literacy skills; information and media-
144 literacy skills; and civic-engagement skills.

145 (f) Be organized according to a uniform structure and
146 format that is consistent for each subject. The enhanced
147 curricular standards shall, for each subject and grade level,
148 use the same alphanumeric coding system.

149 (g) Be aligned to expectations for success in
150 postsecondary education and high-skill, high-wage employment.

151 (2) By December 31, 2008, the State Board of Education
152 shall establish an expedited schedule for adoption of the
153 enhanced curricular Sunshine State Standards and shall establish
154 by rule a schedule for the periodic review and revision of the
155 standards. The state board must adopt the enhanced curricular
156 standards for each subject by December 31, 2011.

157 (3) (a) The Commissioner of Education shall develop and
158 submit to the State Board of Education proposed enhanced
159 curricular Sunshine State Standards, and periodically submit
160 proposed revisions to the standards, for adoption by the state
161 board according to the schedules established under subsection
162 (2). The commissioner, in developing the proposed standards,
163 shall consult with renowned experts on K-12 curricular standards
164 and content in each subject listed in paragraphs (1) (a) and
165 (1) (b) and shall consider standards that are implemented by
166 other states or nations and regarded as exceptionally rigorous
167 by the curricular and content experts. The commissioner may also
168 consult with curricular and content experts in other subjects.

169 (b) The commissioner shall submit the proposed standards
 170 for review and comment by Florida educators, school
 171 administrators, representatives of community colleges and state
 172 universities who have expertise in the content knowledge and
 173 skills necessary to prepare a student for postsecondary
 174 education, and leaders in business and industry. The
 175 commissioner, after considering any comments and making any
 176 revisions to the proposed standards, shall submit the standards
 177 for written evaluation by renowned experts on K-12 curricular
 178 standards and content.

179 (c) The commissioner, upon finalizing the proposed
 180 standards, shall submit the standards and evaluations by the
 181 curricular and content experts to the Governor, the President of
 182 the Senate, and the Speaker of the House of Representatives at
 183 least 21 days before the State Board of Education considers
 184 adoption of the proposed standards.

185 (4) The State Board of Education may adopt rules under ss.
 186 120.536(1) and 120.54 to implement this section. ~~These standards~~
 187 ~~have been adopted by the State Board of Education and delineate~~
 188 ~~the academic achievement of students, for which the state will~~
 189 ~~hold schools accountable, in grades K-2, 3-5, 6-8, and 9-12 in~~
 190 ~~the subjects of language arts, mathematics, science, social~~
 191 ~~studies, the arts, health and physical education, and foreign~~
 192 ~~languages. They include standards in reading, writing, history,~~
 193 ~~government, geography, economics, and computer literacy.~~

194 Section 2. Subsection (7) of section 1000.21, Florida
 195 Statutes, is amended to read:

196 1000.21 Systemwide definitions.--As used in the Florida K-

197 20 Education Code:

198 (7) "Sunshine State Standards" means the state's public K-
 199 12 curricular are standards adopted under s. 1003.41 that
 200 establish the core content of the curricula to be taught in this
 201 state and that specify the core content knowledge and skills
 202 that K-12 public school students are expected to acquire. The
 203 term includes the current Sunshine State Standards for a subject
 204 until the standards are replaced under s. 1003.41 by enhanced
 205 curricular standards. ~~that identify what public school students~~
 206 ~~should know and be able to do. These standards delineate the~~
 207 ~~academic achievement of students for which the state will hold~~
 208 ~~its public schools accountable in grades K 2, 3 5, 6 8, and 9~~
 209 ~~12, in the subjects of language arts, mathematics, science,~~
 210 ~~social studies, the arts, health and physical education, foreign~~
 211 ~~languages, reading, writing, history, government, geography,~~
 212 ~~economics, and computer literacy.~~

213 Section 3. Subsection (1) of section 1001.03, Florida
 214 Statutes, is amended to read:

215 1001.03 Specific powers of State Board of Education.--

216 (1) PUBLIC K-12 CURRICULAR ~~STUDENT PERFORMANCE~~
 217 ~~STANDARDS.~~--The State Board of Education shall adopt and
 218 periodically review and revise ~~approve the student performance~~
 219 ~~standards known as the Sunshine State Standards in accordance~~
 220 with s. 1003.41. ~~key academic subject areas and grade levels.~~
 221 ~~The state board shall establish a schedule to facilitate the~~
 222 ~~periodic review of the standards to ensure adequate rigor,~~
 223 ~~relevance, logical student progression, and integration of~~
 224 ~~reading, writing, and mathematics across all subject areas. The~~

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225 ~~standards review by subject area must include participation of~~
 226 ~~curriculum leaders in other content areas, including the arts,~~
 227 ~~to ensure valid content area integration and to address the~~
 228 ~~instructional requirements of different learning styles. The~~
 229 ~~process for review and proposed revisions must include~~
 230 ~~leadership and input from the state's classroom teachers, school~~
 231 ~~administrators, and community colleges and universities, and~~
 232 ~~from representatives from business and industry who are~~
 233 ~~identified by local education foundations. A report including~~
 234 ~~proposed revisions must be submitted to the Governor, the~~
 235 ~~President of the Senate, and the Speaker of the House of~~
 236 ~~Representatives annually to coincide with the established review~~
 237 ~~schedule. The review schedule and an annual status report must~~
 238 ~~be submitted to the Governor, the President of the Senate, and~~
 239 ~~the Speaker of the House of Representatives annually not later~~
 240 ~~than January 1.~~

241 Section 4. Subsection (3) of section 1001.41, Florida
 242 Statutes, is amended to read:

243 1001.41 General powers of district school board.--The
 244 district school board, after considering recommendations
 245 submitted by the district school superintendent, shall exercise
 246 the following general powers:

247 (3) ~~Prescribe and~~ Adopt standards and policies that ~~to~~
 248 provide each student the opportunity to receive a complete
 249 education program, including instruction in the core curricular
 250 content established in language arts, mathematics, science,
 251 social studies, health, physical education, foreign languages,
 252 and the arts, as defined by the Sunshine State Standards. The

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253 ~~standards and policies must emphasize integration and~~
 254 ~~reinforcement of reading, writing, and mathematics skills across~~
 255 ~~all subjects, including career awareness, career exploration,~~
 256 ~~and Career and technical education~~ standards and policies must
 257 integrate with and reinforce the Sunshine State Standards.

258 Section 5. Subsection (7) of section 1001.42, Florida
 259 Statutes, is amended to read:

260 1001.42 Powers and duties of district school board.--The
 261 district school board, acting as a board, shall exercise all
 262 powers and perform all duties listed below:

263 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL
 264 MATERIALS.--Provide adequate instructional materials for all
 265 students in accordance with the requirements of chapter 1006. A
 266 school district may not expend any legislative appropriation,
 267 including, but not limited to, the instructional materials
 268 allocation, for Florida Comprehensive Assessment Test (FCAT)
 269 practice tests, sample test items, or practice workbooks or for
 270 any other materials dedicated to test-taking exercises or
 271 strategies designed exclusively for FCAT preparation or that
 272 include any reference to the "Florida Comprehensive Assessment
 273 Test" or "FCAT." If the Auditor General determines that a school
 274 district has violated this subsection, the department shall
 275 withhold from the next distribution of funds from the
 276 instructional materials allocation under s. 1011.67 an amount
 277 equal to the legislative appropriations expended in violation of
 278 this subsection. The district school board shall appropriately
 279 discipline the malfeasant staff responsible for the unlawful
 280 expenditure.

281 Section 6. Paragraph (b) of subsection (4) and paragraph
 282 (a) of subsection (8) of section 1003.428, Florida Statutes, are
 283 amended to read:

284 1003.428 General requirements for high school graduation;
 285 revised.--

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

288 (b) Earning passing scores on the FCAT, as defined in s.
 289 1008.22(3)(c), or scores on a standardized test that are
 290 concordant with passing scores on the FCAT as defined in s.
 291 1008.22 (10) ~~(9)~~.

292
 293 Each district school board shall adopt policies designed to
 294 assist students in meeting the requirements of this subsection.
 295 These policies may include, but are not limited to: forgiveness
 296 policies, summer school or before or after school attendance,
 297 special counseling, volunteers or peer tutors, school-sponsored
 298 help sessions, homework hotlines, and study skills classes.
 299 Forgiveness policies for required courses shall be limited to
 300 replacing a grade of "D" or "F," or the equivalent of a grade of
 301 "D" or "F," with a grade of "C" or higher, or the equivalent of
 302 a grade of "C" or higher, earned subsequently in the same or
 303 comparable course. Forgiveness policies for elective courses
 304 shall be limited to replacing a grade of "D" or "F," or the
 305 equivalent of a grade of "D" or "F," with a grade of "C" or
 306 higher, or the equivalent of a grade of "C" or higher, earned
 307 subsequently in another course. The only exception to these
 308 forgiveness policies shall be made for a student in the middle

309 grades who takes any high school course for high school credit
 310 and earns a grade of "C," "D," or "F" or the equivalent of a
 311 grade of "C," "D," or "F." In such case, the district
 312 forgiveness policy must allow the replacement of the grade with
 313 a grade of "C" or higher, or the equivalent of a grade of "C" or
 314 higher, earned subsequently in the same or comparable course. In
 315 all cases of grade forgiveness, only the new grade shall be used
 316 in the calculation of the student's grade point average. Any
 317 course grade not replaced according to a district school board
 318 forgiveness policy shall be included in the calculation of the
 319 cumulative grade point average required for graduation.

320 (8) (a) Each district school board must provide instruction
 321 to prepare students with disabilities to demonstrate proficiency
 322 in the core content knowledge and skills ~~and competencies~~
 323 necessary for successful grade-to-grade progression and high
 324 school graduation.

325 Section 7. Paragraph (a) of subsection (6) of section
 326 1003.429, Florida Statutes, is amended to read:

327 1003.429 Accelerated high school graduation options.--

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

331 (a) Earn passing scores on the FCAT as defined in s.
 332 1008.22 (3) (c) or scores on a standardized test that are
 333 concordant with passing scores on the FCAT as defined in s.
 334 1008.22 (10) ~~(9)~~.

335
 336 Weighted grades referred to in paragraphs (b), (c), and (d)

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337 shall be applied to those courses specifically listed or
 338 identified by the department as rigorous pursuant to s.
 339 1009.531(3) or weighted by the district school board for class
 340 ranking purposes.

341 Section 8. Paragraph (a) of subsection (5) and paragraph
 342 (a) of subsection (11) of section 1003.43, Florida Statutes, are
 343 amended to read:

344 1003.43 General requirements for high school graduation.--

345 (5) Each district school board shall establish standards
 346 for graduation from its schools, and these standards must
 347 include:

348 (a) Earning passing scores on the FCAT, as defined in s.
 349 1008.22(3)(c), or scores on a standardized test that are
 350 concordant with passing scores on the FCAT as defined in s.
 351 1008.22(10)~~(9)~~.

352
 353 The standards required in this subsection, and any subsequent
 354 modifications, shall be reprinted in the Florida Administrative
 355 Code even though not defined as "rules."

356 (11)(a) Each district school board must provide
 357 instruction to prepare students with disabilities to demonstrate
 358 proficiency in the core content knowledge and skills and
 359 ~~competencies~~ necessary for successful grade-to-grade progression
 360 and high school graduation.

361 Section 9. Subsection (1) of section 1003.433, Florida
 362 Statutes, is amended to read:

363 1003.433 Learning opportunities for out-of-state and out-
 364 of-country transfer students and students needing additional

365 instruction to meet high school graduation requirements.--

366 (1) Students who enter a Florida public school at the
 367 eleventh or twelfth grade from out of state or from a foreign
 368 country shall not be required to spend additional time in a
 369 Florida public school in order to meet the high school course
 370 requirements if the student has met all requirements of the
 371 school district, state, or country from which he or she is
 372 transferring. Such students who are not proficient in English
 373 should receive immediate and intensive instruction in English
 374 language acquisition. However, to receive a standard high school
 375 diploma, a transfer student must earn a 2.0 grade point average
 376 and pass the grade 10 FCAT required in s. 1008.22(3) or an
 377 alternate assessment as described in s. 1008.22(10)~~(9)~~.

378 Section 10. Paragraph (b) of subsection (1) of section
 379 1006.28, Florida Statutes, is amended to read:

380 1006.28 Duties of district school board, district school
 381 superintendent; and school principal regarding K-12
 382 instructional materials.--

383 (1) DISTRICT SCHOOL BOARD.--The district school board has
 384 the duty to provide adequate instructional materials for all
 385 students in accordance with the requirements of this part. The
 386 term "adequate instructional materials" means a sufficient
 387 number of textbooks or sets of materials serving as the basis
 388 for instruction for each student in the core courses of
 389 mathematics, language arts, social studies, science, reading,
 390 and literature, except for instruction for which the school
 391 advisory council approves the use of a program that does not
 392 include a textbook as a major tool of instruction. The district

393 school board has the following specific duties:

394 (b) Textbooks.--Provide for proper requisitioning,
 395 distribution, accounting, storage, care, and use of all
 396 instructional materials furnished by the state and furnish such
 397 other instructional materials as may be needed. The district
 398 school board shall assure that instructional materials used in
 399 the district are consistent with the district goals and
 400 objectives and the curriculum frameworks adopted by rule of the
 401 State Board of Education, as well as with the state and district
 402 curricular ~~performance~~ standards provided for in s. 1001.03(1).

403 Section 11. Subsection (4) of section 1006.31, Florida
 404 Statutes, is amended to read:

405 1006.31 Duties of each state instructional materials
 406 committee.--The duties of each state instructional materials
 407 committee are:

408 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To evaluate
 409 carefully all instructional materials submitted, to ascertain
 410 which instructional materials, if any, submitted for
 411 consideration best implement the selection criteria developed by
 412 the commissioner and those curricular objectives included within
 413 applicable curricular ~~performance~~ standards provided for in s.
 414 1001.03(1).

415 (a) When recommending instructional materials for use in
 416 the schools, each committee shall include only instructional
 417 materials that accurately portray the ethnic, socioeconomic,
 418 cultural, and racial diversity of our society, including men and
 419 women in professional, career, and executive roles, and the role
 420 and contributions of the entrepreneur and labor in the total

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421 development of this state and the United States.

422 (b) When recommending instructional materials for use in
423 the schools, each committee shall include only materials which
424 accurately portray, whenever appropriate, humankind's place in
425 ecological systems, including the necessity for the protection
426 of our environment and conservation of our natural resources and
427 the effects on the human system of the use of tobacco, alcohol,
428 controlled substances, and other dangerous substances.

429 (c) When recommending instructional materials for use in
430 the schools, each committee shall require such materials as it
431 deems necessary and proper to encourage thrift, fire prevention,
432 and humane treatment of people and animals.

433 (d) When recommending instructional materials for use in
434 the schools, each committee shall require, when appropriate to
435 the comprehension of students, that materials for social
436 science, history, or civics classes contain the Declaration of
437 Independence and the Constitution of the United States. No
438 instructional materials shall be recommended by any committee
439 for use in the schools which contain any matter reflecting
440 unfairly upon persons because of their race, color, creed,
441 national origin, ancestry, gender, or occupation.

442 (e) All instructional materials recommended by each
443 committee for use in the schools shall be, to the satisfaction
444 of each committee, accurate, objective, and current and suited
445 to the needs and comprehension of students at their respective
446 grade levels. Instructional materials committees shall consider
447 for adoption materials developed for academically talented
448 students such as those enrolled in advanced placement courses.

449
 450 The findings of the committees, including the evaluation of
 451 instructional materials, shall be in sessions open to the
 452 public. All decisions leading to determinations of the
 453 committees shall be by roll call vote, and at no time will a
 454 secret ballot be permitted.

455 Section 12. Subsection (1) and paragraph (b) of subsection
 456 (2) of section 1006.34, Florida Statutes, are amended to read:

457 1006.34 Powers and duties of the commissioner and the
 458 department in selecting and adopting instructional materials.--

459 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
 460 MATERIALS.--The commissioner shall prescribe the procedures by
 461 which the department shall evaluate instructional materials
 462 submitted by publishers and manufacturers in each adoption.
 463 Included in these procedures shall be provisions that ~~which~~
 464 afford each publisher or manufacturer or his or her
 465 representative an opportunity to present to members of the state
 466 instructional materials committees the merits of each
 467 instructional material submitted in each adoption. Beginning
 468 July 1, 2008, the procedures must prohibit the adoption of
 469 instructional materials that include any reference to the
 470 "Florida Comprehensive Assessment Test" or "FCAT" and must
 471 require any instructional materials submitted to clearly
 472 demonstrate alignment to the Sunshine State Standards.

473 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

474 (b) In the selection of instructional materials, library
 475 books, and other reading material used in the public school

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476 system, the standards used to determine the propriety of the
 477 material shall include:

478 1. The age of the students who normally could be expected
 479 to have access to the material.

480 2. The educational purpose to be served by the material.
 481 In considering instructional materials for classroom use,
 482 priority shall be given to the selection of materials which
 483 encompass the state and district school board curricular
 484 ~~performance~~ standards provided for in s. 1001.03(1) and which
 485 include the instructional objectives contained within the
 486 curriculum frameworks approved by rule of the State Board of
 487 Education.

488 3. The degree to which the material would be supplemented
 489 and explained by mature classroom instruction as part of a
 490 normal classroom instructional program.

491 4. The consideration of the broad racial, ethnic,
 492 socioeconomic, and cultural diversity of the students of this
 493 state.

494
 495 No book or other material containing hard-core pornography or
 496 otherwise prohibited by s. 847.012 shall be used or available
 497 within any public school district.

498 Section 13. Paragraph (b) of subsection (3) of section
 499 1006.38, Florida Statutes, is amended to read:

500 1006.38 Duties, responsibilities, and requirements of
 501 instructional materials publishers and
 502 manufacturers.--Publishers and manufacturers of instructional
 503 materials, or their representatives, shall:

504 (3) Submit, at a time designated in s. 1006.33, the
 505 following information:

506 (b) Written proof that the publisher has provided written
 507 correlations to appropriate curricular objectives included
 508 within applicable curricular ~~performance~~ standards provided for
 509 in s. 1001.03(1).

510 Section 14. Subsection (1) and paragraph (b) of subsection
 511 (3) of section 1006.40, Florida Statutes, are amended to read:

512 1006.40 Use of instructional materials allocation;
 513 instructional materials, library books, and reference books;
 514 repair of books.--

515 (1)(a) On or before July 1 each year, the commissioner
 516 shall certify to each district school superintendent the
 517 estimated allocation of state funds for instructional materials,
 518 computed under ~~pursuant to the provisions of~~ s. 1011.67 for the
 519 ensuing fiscal year. All instructional materials used must align
 520 to the Sunshine State Standards. Instructional materials used to
 521 teach reading shall, to the maximum extent practicable,
 522 incorporate nonfictional content from other core subjects.

523 (b) A school district may not expend funds from the
 524 instructional materials allocation for Florida Comprehensive
 525 Assessment Test (FCAT) practice tests, sample test items, or
 526 practice workbooks or for any other materials dedicated to test-
 527 taking exercises or strategies designed exclusively for FCAT
 528 preparation or that include any reference to the "Florida
 529 Comprehensive Assessment Test" or "FCAT." The department shall
 530 notify publishers and manufacturers of this prohibition by
 531 including notice of this paragraph in the instructional

532 materials specifications for each adoption. A school district's
 533 violation of this paragraph is subject to the withholding of
 534 funds from the instructional materials allocation under s.
 535 1001.42(7).

536 (3)

537 (b) Up to 50 percent of the annual allocation may be used
 538 for the purchase of instructional materials, including library
 539 and reference books and nonprint materials, not included on the
 540 state-adopted list and for the repair and renovation of
 541 textbooks and library books. Notwithstanding subsection (4), up
 542 to 10 percent of the funds used for the purchase of
 543 instructional materials not on the state-adopted list may be
 544 used to purchase technology devices with digital content or
 545 online content if the publisher or manufacturer clearly
 546 demonstrates that the content is aligned to the Sunshine State
 547 Standards.

548 Section 15. Section 1008.22, Florida Statutes, is amended
 549 to read:

550 1008.22 Student assessment program for public schools.--

551 (1) PURPOSE.--The primary purposes of the student
 552 assessment program are to provide information needed to improve
 553 the public schools by enhancing the learning gains of all
 554 students and to inform parents of the educational progress of
 555 their public school children. The program must be designed to:

556 (a) Assess the annual learning gains of each student
 557 toward achieving the Sunshine State Standards appropriate for
 558 the student's grade level.

559 (b) Provide data for making decisions regarding school

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560 accountability and recognition.

561 (c) Identify the educational strengths and needs of
562 students and the readiness of students to be promoted to the
563 next grade level or to graduate from high school with a standard
564 or special high school diploma.

565 (d) Assess how well educational goals and curricular
566 ~~performance~~ standards are met at the school, district, and state
567 levels.

568 (e) Provide information to aid in the evaluation and
569 development of educational programs and policies.

570 (f) Provide information on the performance of Florida
571 students compared with that of other students across the United
572 States.

573 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
574 intent to participate in the measurement of national educational
575 goals. The Commissioner of Education shall direct Florida school
576 districts to participate in the administration of the National
577 Assessment of Educational Progress, or a similar national
578 assessment program, both for the national sample and for any
579 state-by-state comparison programs which may be initiated. The
580 ~~Such~~ assessments must be conducted using the data collection
581 procedures, the student surveys, the educator surveys, and other
582 instruments included in the National Assessment of Educational
583 Progress or similar program being administered in Florida. The
584 results of these assessments shall be included in the annual
585 report of the Commissioner of Education specified in this
586 section. The administration of the National Assessment of
587 Educational Progress or similar program shall be in addition to

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588 and separate from the administration of the statewide assessment
589 program.

590 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
591 design and implement a statewide program of educational
592 assessment that provides information for the improvement of the
593 operation and management of the public schools, including
594 schools operating for the purpose of providing educational
595 services to youth in Department of Juvenile Justice programs.
596 The commissioner may enter into contracts for the continued
597 administration of the assessment, testing, and evaluation
598 programs authorized and funded by the Legislature. Contracts may
599 be initiated in 1 fiscal year and continue into the next and may
600 be paid from the appropriations of either or both fiscal years.
601 The commissioner is authorized to negotiate for the sale or
602 lease of tests, scoring protocols, test scoring services, and
603 related materials developed pursuant to law. Pursuant to the
604 statewide assessment program, the commissioner shall:

605 (a) Submit proposed enhanced curricular Sunshine State
606 Standards to the State Board of Education for adoption and
607 periodic review and revision under s. 1003.41. ~~a list that~~
608 ~~specifies student skills and competencies to which the goals for~~
609 ~~education specified in the state plan apply, including, but not~~
610 ~~limited to, reading, writing, science, and mathematics. The~~
611 ~~skills and competencies must include problem solving and higher-~~
612 ~~order skills as appropriate and shall be known as the Sunshine~~
613 ~~State Standards as defined in s. 1000.21. The commissioner shall~~
614 ~~select such skills and competencies after receiving~~
615 ~~recommendations from educators, citizens, and members of the~~

616 ~~business community. The commissioner shall submit to the State~~
 617 ~~Board of Education revisions to the list of student skills and~~
 618 ~~competencies in order to maintain continuous progress toward~~
 619 ~~improvements in student proficiency.~~

620 (b) Develop and implement a uniform system of indicators
 621 to describe the performance of public school students and the
 622 characteristics of the public school districts and the public
 623 schools. These indicators must include, without limitation,
 624 information gathered by the comprehensive management information
 625 system created pursuant to s. 1008.385 and student achievement
 626 information obtained pursuant to this section.

627 (c) Develop and implement a student achievement testing
 628 program known as the Florida Comprehensive Assessment Test
 629 (FCAT) as part of the statewide assessment program to measure a
 630 student's content knowledge and skills in reading, writing,
 631 science, and mathematics, and, by the 2012-2013 school year,
 632 social studies. Other content areas may be included as directed
 633 by the commissioner. Comprehensive assessments ~~The assessment of~~
 634 ~~reading and mathematics shall be administered annually in grades~~
 635 ~~3 through 10.~~ Comprehensive assessments ~~The assessment of~~
 636 ~~writing and science shall be administered at least once at the~~
 637 ~~elementary, middle, and high school levels.~~ Comprehensive
 638 assessments of social studies shall be administered at least
 639 once at the middle school level. End-of-course assessments of
 640 social studies shall be administered at the high school level.
 641 End-of-course assessments of any other subject may be
 642 administered in addition to the comprehensive assessments
 643 required under this paragraph. An end-of-course assessment must

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644 be rigorous, standardized, and administered statewide. The
645 content knowledge and skills assessed by comprehensive and end-
646 of-course assessments must be aligned to the core curricular
647 content established in the Sunshine State Standards. The
648 ~~commissioner must document the procedures used to ensure that~~
649 ~~the versions of the FCAT which are taken by students retaking~~
650 ~~the grade 10 FCAT are equally as challenging and difficult as~~
651 ~~the tests taken by students in grade 10 which contain~~
652 ~~performance tasks.~~ The testing program must be designed as
653 follows so that:

654 1. ~~The tests measure student skills and competencies~~
655 ~~adopted by the State Board of Education as specified in~~
656 ~~paragraph (a).~~ The tests must measure and report student
657 proficiency levels of all students assessed in reading, writing,
658 mathematics, and science, and social studies. The commissioner
659 shall provide for the tests to be developed or obtained, as
660 appropriate, through contracts and project agreements with
661 private vendors, public vendors, public agencies, postsecondary
662 educational institutions, or school districts. An entity awarded
663 a contract or entering into a project agreement, or a corporate
664 affiliate or subsidiary of the entity, may not participate in
665 the development or publication of practice tests, sample test
666 items, or practice workbooks or of any other materials dedicated
667 to test-taking exercises or strategies for the tests developed
668 or obtained through the contract or project agreement, except as
669 authorized in the contract or project agreement or otherwise
670 authorized in writing by the commissioner. The commissioner
671 shall obtain input with respect to the design and implementation

672 of the testing program from assessment experts, state educators,
 673 assistive technology experts, and the public. In addition, the
 674 commissioner shall provide for ongoing review of the FCAT by an
 675 independent test-measurement expert who provides analysis and
 676 evaluation of the test and testing practices.

677 2. The testing program shall ~~will~~ include a combination of
 678 ~~norm-referenced and~~ criterion-referenced tests and norm-
 679 referenced tests. The criterion-referenced tests shall include,
 680 to the extent determined by the commissioner, test items
 681 ~~questions~~ that require the student to produce information or
 682 perform tasks in such a way that the core content knowledge and
 683 ~~skills and competencies~~ he or she uses can be measured. The
 684 norm-referenced tests included in the statewide testing program
 685 may only be administered in grades 3, 7, and 9.

686 3. ~~Each testing program, whether at the elementary,~~
 687 ~~middle, or high school level, includes a test of Writing~~
 688 assessments shall require ~~in which~~ students are required to
 689 produce a writing sample ~~writings~~ that is ~~are then~~ scored using
 690 ~~by~~ appropriate and timely methods.

691 4. For each test, a score shall be ~~is~~ designated ~~for each~~
 692 ~~subject area tested,~~ below which ~~score~~ a student's performance
 693 shall be ~~is~~ deemed inadequate. A ~~The school district districts~~
 694 shall provide appropriate remedial instruction to students whose
 695 performance is ~~who score~~ below grade level ~~these levels.~~

696 5. Except as provided in s. 1003.428(8)(b) or s.
 697 1003.43(11)(b), students must earn a passing score on the grade
 698 10 assessment test described in this paragraph or attain
 699 concordant scores as described in subsection (10) ~~(9)~~ in

700 reading, writing, and mathematics to qualify for a standard high
 701 school diploma. The State Board of Education shall designate a
 702 passing score for each part of the grade 10 assessment test. In
 703 establishing passing scores, the state board shall consider any
 704 possible negative impact of the test on minority students. The
 705 State Board of Education shall adopt rules that ~~which~~ specify
 706 the passing scores for the grade 10 FCAT. Any such rules that,
 707 ~~which~~ have the effect of raising the required passing scores,
 708 shall only apply to students taking the grade 10 FCAT for the
 709 first time after such rules are adopted by the State Board of
 710 Education.

711 6. Participation in the testing program shall be ~~is~~
 712 mandatory for all students attending public school, including
 713 students served in Department of Juvenile Justice programs,
 714 except as otherwise prescribed by the commissioner. If a student
 715 does not participate in the statewide assessment, the district
 716 must notify the student's parent and provide the parent with
 717 information regarding the implications of such nonparticipation.
 718 A parent must provide signed consent for a student to receive
 719 classroom instructional accommodations that would not be
 720 available or permitted on the statewide assessments and must
 721 acknowledge in writing that he or she understands the
 722 implications of such instructional accommodations. The State
 723 Board of Education shall adopt rules, based upon recommendations
 724 of the commissioner, for the provision of test accommodations
 725 for students in exceptional education programs and for students
 726 who have limited English proficiency. Accommodations that negate
 727 the validity of a statewide assessment are not allowable in the

728 administration of the FCAT. However, instructional
 729 accommodations are allowable in the classroom if included in a
 730 student's individual education plan. Students using
 731 instructional accommodations in the classroom that are not
 732 allowable as accommodations on the FCAT may have the FCAT
 733 requirement waived under ~~pursuant to the requirements of~~ s.
 734 1003.428(8)(b) or s. 1003.43(11)(b).

735 7. A student seeking an adult high school diploma must
 736 meet the same testing requirements that a regular high school
 737 student must meet.

738 8. District school boards must provide instruction to
 739 prepare students to demonstrate proficiency in the core
 740 curricular content established in the Sunshine State Standards
 741 adopted under s. 1003.41, including the core content knowledge
 742 and skills ~~and competencies~~ necessary for successful grade-to-
 743 grade progression and high school graduation. If a student is
 744 provided with instructional accommodations in the classroom that
 745 are not allowable as accommodations in the statewide assessment
 746 program, as described in the test manuals, the district must
 747 inform the parent in writing and must provide the parent with
 748 information regarding the impact on the student's ability to
 749 meet expected proficiency levels in reading, writing, science,
 750 mathematics, and social studies ~~math~~. The commissioner shall
 751 conduct studies as necessary to verify that the required core
 752 curricular content is ~~skills and competencies~~ are part of the
 753 district instructional programs.

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

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

758 10. The Department of Education must develop, or select,
759 and implement a common battery of assessment tools that are ~~will~~
760 ~~be~~ used in all juvenile justice programs in the state. These
761 tools must accurately measure the core curricular content ~~skills~~
762 ~~and competencies~~ established in the Sunshine State Standards.

763 11. For students seeking a special diploma under ~~pursuant~~
764 ~~to~~ s. 1003.438, the Department of Education must develop, or
765 select, and implement an alternate assessment tool that
766 accurately measures the core curricular content ~~skills and~~
767 ~~competencies~~ established in the Sunshine State Standards for
768 students with disabilities under s. 1003.438.

769 12. The Commissioner of Education shall establish
770 schedules for the administration of statewide assessments and
771 the reporting of student test results. The commissioner shall,
772 by August 1 of each year, notify each school district in writing
773 and publish on the department's Internet website the testing and
774 reporting schedules for, at a minimum, the school year following
775 the upcoming school year. The testing and reporting schedules
776 shall require that:

777 a. There be the latest possible administration of
778 statewide assessments and the earliest possible reporting to the
779 school districts of student test results that are feasible
780 within available technology and specific appropriations.

781 b. Beginning with the 2010-2011 school year, a
782 comprehensive statewide assessment of writing not be
783 administered earlier than the week of March 1 and a

784 comprehensive statewide assessment of any other subject not be
 785 administered earlier than the week of April 15.

786 c. A statewide end-of-course assessment be administered
 787 within the last 2 weeks of the course.

788 d. Student test results of statewide assessments be
 789 reported by the week of the first Monday in June following
 790 administration of the assessments.

791
 792 The commissioner may, based on collaboration and input from
 793 school districts, design and implement student testing programs,
 794 for any grade level and subject area, necessary to effectively
 795 monitor educational achievement in the state, including the
 796 measurement of educational achievement of the Sunshine State
 797 Standards for students with disabilities. Development and
 798 refinement of assessments shall include universal design
 799 principles and accessibility standards that will prevent any
 800 unintended obstacles for students with disabilities while
 801 ensuring the validity and reliability of the test. These
 802 principles should be applicable to all technology platforms and
 803 assistive devices available for the assessments. The field
 804 testing process and psychometric analyses for the statewide
 805 assessment program must include an appropriate percentage of
 806 students with disabilities and an evaluation or determination of
 807 the effect of test items on such students.

808 (d) Conduct ongoing research to develop improved methods
 809 of assessing student performance, including, without limitation,
 810 the use of technology to administer tests, score, or report the
 811 results of, the use of electronic transfer of data, the

812 development of work-product assessments, and the development of
813 process assessments.

814 (e) Conduct ongoing research and analysis of student
815 achievement data, including, without limitation, monitoring
816 trends in student achievement by grade level and overall student
817 achievement, identifying school programs that are successful,
818 and analyzing correlates of school achievement.

819 (f) Provide technical assistance to school districts in
820 the implementation of state and district testing programs and
821 the use of the data produced pursuant to such programs.

822 (g) Study the cost and student achievement impact of
823 secondary end-of-course assessments, including web-based and
824 performance formats, and report to the Legislature prior to
825 implementation.

826 (4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED
827 ACTIVITIES.--Beginning with the 2008-2009 school year, a
828 district school board shall prohibit each public school from
829 suspending a regular program of curricula for purposes of
830 administering practice tests or engaging in other test-
831 preparation activities for a statewide assessment except as
832 otherwise determined necessary for the valid and reliable
833 administration of the statewide assessment as set forth in rules
834 adopted by the State Board of Education with specific reference
835 to this subsection.

836 (5)~~(4)~~ DISTRICT TESTING PROGRAMS.--Each district school
837 board shall periodically assess student performance and
838 achievement within each school of the district. The assessment
839 programs must be based on the core curricular content

840 established in the Sunshine State Standards and any ~~upon~~ local
 841 goals and objectives that are compatible with the state plan for
 842 education and that supplement the core content knowledge and
 843 skills necessary for successful grade-to-grade progression and
 844 high school graduation and ~~competencies adopted by the State~~
 845 ~~Board of Education~~. All school districts must participate in the
 846 statewide assessment program designed to measure annual student
 847 learning and school performance. All district school boards
 848 shall report assessment results as required by the state
 849 management information system.

850 (6) ~~(5)~~ SCHOOL TESTING PROGRAMS.--Each public school shall
 851 participate in the statewide assessment program in accordance
 852 with the testing and reporting schedules published by the
 853 Commissioner of Education under subparagraph (3)(c)12.7, unless
 854 specifically exempted by state board rule based on serving a
 855 specialized population for which standardized testing is not
 856 appropriate. Student performance data shall be analyzed and
 857 reported to parents, the community, and the state. Student
 858 performance data shall be used in developing objectives of the
 859 school improvement plan, evaluation of instructional personnel,
 860 evaluation of administrative personnel, assignment of staff,
 861 allocation of resources, acquisition of instructional materials
 862 and technology, performance-based budgeting, and promotion and
 863 assignment of students into educational programs. The analysis
 864 of student performance data also must identify strengths and
 865 needs in the educational program and trends over time. The
 866 analysis must be used in conjunction with the budgetary planning
 867 processes developed pursuant to s. 1008.385 and the development

868 of the programs of remediation.

869 (7)~~(6)~~ REQUIRED ANALYSES.--The commissioner shall provide,
 870 at a minimum, for the following analyses of data produced by the
 871 student achievement testing program:

872 (a) The statistical system for the annual assessments
 873 shall use measures of student learning, such as the FCAT, to
 874 determine teacher, school, and school district statistical
 875 distributions, which shall be determined using available data
 876 from the FCAT, and other data collection as deemed appropriate
 877 by the Department of Education, to measure the differences in
 878 student prior year achievement compared to the current year
 879 achievement for the purposes of accountability and recognition.

880 (b) The statistical system shall provide the best
 881 estimates of teacher, school, and school district effects on
 882 student progress. The approach used by the department shall be
 883 approved by the commissioner before implementation.

884 (c) The annual testing program shall be administered to
 885 provide for valid statewide comparisons of learning gains to be
 886 made for purposes of accountability and recognition. ~~The~~
 887 ~~commissioner shall establish a schedule for the administration~~
 888 ~~of the statewide assessments. In establishing such schedule, the~~
 889 ~~commissioner is charged with the duty to accomplish the latest~~
 890 ~~possible administration of the statewide assessments and the~~
 891 ~~earliest possible provision of the results to the school~~
 892 ~~districts feasible within available technology and specific~~
 893 ~~appropriation.~~ District school boards shall not establish school
 894 calendars that jeopardize or limit the valid testing and
 895 comparison of student learning gains.

896 (8)~~(7)~~ LOCAL ASSESSMENTS.--Measurement of the learning
 897 gains of students in all subjects and grade levels other than
 898 subjects and grade levels required for the state student
 899 achievement testing program is the responsibility of the school
 900 districts.

901 (9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.--

902 (a) If the Commissioner of Education revises a statewide
 903 assessment and the revisions require the State Board of
 904 Education to modify the assessment's proficiency levels or
 905 modify the passing scores required for a standard high school
 906 diploma, until the state board adopts the modifications by rule,
 907 the commissioner shall use calculations for scoring the
 908 assessment that adjust student scores on the revised assessment
 909 for statistical equivalence to student scores on the former
 910 assessment.

911 (b) A student must attain meet the passing scores on a
 912 statewide assessment required testing requirements for a
 913 standard high school diploma graduation that were in effect at
 914 the time the student entered 9th grade 9 if, ~~provided~~ the
 915 student's enrollment was continuous.

916 (c) If the commissioner revises a statewide assessment and
 917 the revisions require the state board to modify the passing
 918 scores required for a standard high school diploma, the
 919 commissioner shall discontinue administration of the former
 920 assessment upon the graduation, based on normal student
 921 progression, of students entering grade 9 in the school year
 922 following administration of the revised assessment. The state
 923 board shall adopt by rule passing scores for the revised

924 assessment that are statistically equivalent to passing scores
 925 on the discontinued assessment for a student required under
 926 paragraph (b) to attain passing scores on the discontinued
 927 assessment.

928 (10)~~(9)~~ CONCORDANT SCORES FOR THE FCAT.--

929 (a) The State Board of Education shall analyze the content
 930 and concordant data sets for widely used high school achievement
 931 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,
 932 and College Placement Test, to assess if concordant scores for
 933 FCAT scores can be determined for high school graduation,
 934 college placement, and scholarship awards. In cases where
 935 content alignment and concordant scores can be determined, the
 936 Commissioner of Education shall adopt those scores as meeting
 937 the graduation requirement in lieu of achieving the FCAT passing
 938 score and may adopt those scores as being sufficient to achieve
 939 additional purposes as determined by rule. Each time ~~that~~ test
 940 content or scoring procedures change ~~are changed~~ for the FCAT or
 941 for a high school achievement test for which a concordant score
 942 is determined ~~one of the identified tests~~, new concordant scores
 943 must be determined.

944 (b) In order to use a concordant subject area score
 945 pursuant to this subsection to satisfy the assessment
 946 requirement for a standard high school diploma as provided in s.
 947 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must
 948 take each subject area of the grade 10 FCAT a total of three
 949 times without earning a passing score. The requirements of this
 950 paragraph shall not apply to a new student who enters the
 951 Florida public school system in grade 12, who may either achieve

952 a passing score on the FCAT or use an approved subject area
 953 concordant score to fulfill the graduation requirement.

954 (c) The State Board of Education may define by rule the
 955 allowable uses, other than to satisfy the high school graduation
 956 requirement, for concordant scores as described in this
 957 subsection. Such uses may include, but need not be limited to,
 958 achieving appropriate standardized test scores required for the
 959 awarding of Florida Bright Futures Scholarships and college
 960 placement.

961 (11)~~(10)~~ REPORTS.--The Department of Education shall
 962 annually provide a report to the Governor, the President of the
 963 Senate, and the Speaker of the House of Representatives on the
 964 following:

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

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

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

971 (d) Longitudinal performance of students on the norm-
 972 referenced component of the FCAT.

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

977 (12)~~(11)~~ RULES.--The State Board of Education shall adopt
 978 rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement
 979 ~~the provisions of~~ this section.

980 Section 16. Subsection (1), paragraph (b) of subsection
 981 (2), subsection (4), and paragraph (a) of subsection (8) of
 982 section 1008.25, Florida Statutes, are amended to read:

983 1008.25 Public school student progression; remedial
 984 instruction; reporting requirements.--

985 (1) INTENT.--It is the intent of the Legislature that each
 986 student's progression from one grade to another be determined,
 987 in part, upon proficiency in reading, writing, science, ~~and~~
 988 mathematics, and, upon assessment under s. 1008.22, social
 989 studies; that district school board policies facilitate such
 990 proficiency; and that each student and his or her parent be
 991 informed of that student's academic progress.

992 (2) COMPREHENSIVE PROGRAM.--Each district school board
 993 shall establish a comprehensive program for student progression
 994 which must include:

995 (b) Specific levels of performance in reading, writing,
 996 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,
 997 social studies for each grade level, including the levels of
 998 performance on statewide assessments as defined by the
 999 commissioner, below which a student must receive remediation, or
 1000 be retained within an intensive program that is different from
 1001 the previous year's program and that takes into account the
 1002 student's learning style.

1003 (4) ASSESSMENT AND REMEDIATION.--

1004 (a) Each student must participate in the statewide
 1005 assessment tests required by s. 1008.22. Each student who does
 1006 not meet specific levels of performance as determined by the
 1007 district school board in reading, writing, science, ~~and~~

1008 | mathematics, and, upon assessment under s. 1008.22, social
 1009 | studies for each grade level, or who scores below Level 3 in
 1010 | reading or mathematics ~~math~~, must be provided with additional
 1011 | diagnostic assessments to determine the nature of the student's
 1012 | difficulty, the areas of academic need, and strategies for
 1013 | appropriate intervention and instruction as described in
 1014 | paragraph (b).

1015 | (b) The school in which the student is enrolled must
 1016 | develop, in consultation with the student's parent, and must
 1017 | implement a progress monitoring plan. A progress monitoring plan
 1018 | is intended to provide the school district and the school
 1019 | flexibility in meeting the academic needs of the student and to
 1020 | reduce paperwork. A student who is not meeting the school
 1021 | district or state requirements for proficiency in reading and
 1022 | mathematics ~~math~~ shall be covered by one of the following plans
 1023 | to target instruction and identify ways to improve his or her
 1024 | academic achievement:

- 1025 | 1. A federally required student plan such as an individual
- 1026 | education plan;
- 1027 | 2. A schoolwide system of progress monitoring for all
- 1028 | students; or
- 1029 | 3. An individualized progress monitoring plan.

1030 |
 1031 | The plan chosen must be designed to assist the student or the
 1032 | school in meeting state and district expectations for
 1033 | proficiency. If the student has been identified as having a
 1034 | deficiency in reading, the K-12 comprehensive reading plan
 1035 | required by s. 1011.62(8) shall include instructional and

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1036 support services to be provided to meet the desired levels of
 1037 performance. District school boards may require low-performing
 1038 students to attend remediation programs held before or after
 1039 regular school hours or during the summer if transportation is
 1040 provided.

1041 (c) Upon subsequent evaluation, if the documented
 1042 deficiency has not been remediated, the student may be retained.
 1043 Each student who does not meet the minimum performance
 1044 expectations defined by the Commissioner of Education for the
 1045 statewide assessment tests in reading, writing, science, ~~and~~
 1046 mathematics, and, upon assessment under s. 1008.22, social
 1047 studies must continue to be provided with remedial or
 1048 supplemental instruction until the expectations are met or the
 1049 student graduates from high school or is not subject to
 1050 compulsory school attendance.

1051 (8) ANNUAL REPORT.--

1052 (a) In addition to the requirements in paragraph (5)(b),
 1053 each district school board must annually report to the parent of
 1054 each student the progress of the student toward achieving state
 1055 and district expectations for proficiency in reading, writing,
 1056 science, ~~and~~ mathematics, and, upon assessment under s. 1008.22,
 1057 social studies. The district school board must report to the
 1058 parent the student's results on each statewide assessment test.
 1059 The evaluation of each student's progress must be based upon the
 1060 student's classroom work, observations, tests, district and
 1061 state assessments, and other relevant information. Progress
 1062 reporting must be provided to the parent in writing in a format
 1063 adopted by the district school board.

1064 Section 17. Subsection (3) of section 1008.34, Florida
 1065 Statutes, is amended to read:

1066 1008.34 School grading system; school report cards;
 1067 district grade.--

1068 (3) DESIGNATION OF SCHOOL GRADES.--

1069 (a) Schools receiving a school grade.--Each school that
 1070 has students who are tested and included in the school grading
 1071 system, ~~except an alternative school that receives a school~~
 1072 ~~improvement rating pursuant to s. 1008.341,~~ shall receive a
 1073 school grade, except as follows:

1074 1. A school shall not receive a school grade if the number
 1075 of its students tested and included in the school grading system
 1076 is less than the minimum sample size necessary, based on
 1077 accepted professional practice, for statistical reliability and
 1078 prevention of the unlawful release of personally identifiable
 1079 student data under s. 1002.22 or 20 U.S.C. s. 1232g., however,

1080 2. An alternative school may choose to receive a school
 1081 grade under this section or in lieu of a school improvement
 1082 rating under s. 1008.341.

1083 3. ~~Additionally,~~ A school that serves any combination of
 1084 students in kindergarten through grade 3 that ~~which~~ does not
 1085 receive a school grade because its students are not tested and
 1086 included in the school grading system shall receive the school
 1087 grade designation of a K-3 feeder pattern school identified by
 1088 the Department of Education and verified by the school district.
 1089 A school feeder pattern exists if at least 60 percent of the
 1090 students in the school serving a combination of students in
 1091 kindergarten through grade 3 are scheduled to be assigned to the

1092 | graded school. ~~School grades itemized in subsection (2) shall be~~
 1093 | ~~based on the following:~~

1094 | ~~(b)(a)~~ Criteria.--A school's grade shall be based on a
 1095 | combination of:

1096 | 1. Student achievement scores, including achievement
 1097 | scores for students seeking a special diploma.

1098 | 2. Student learning gains as measured by annual FCAT
 1099 | assessments in grades 3 through 10; learning gains for students
 1100 | seeking a special diploma, as measured by an alternate
 1101 | assessment tool, shall be included not later than the 2009-2010
 1102 | school year.

1103 | 3. Improvement of the lowest 25th percentile of students
 1104 | in the school in reading, mathematics ~~math~~, or writing on the
 1105 | FCAT, unless these students are exhibiting satisfactory
 1106 | performance.

1107 | ~~(c)(b)~~ Student assessment data.--Student assessment data
 1108 | used in determining school grades shall include:

1109 | 1. The aggregate scores of all eligible students enrolled
 1110 | in the school who have been assessed on the FCAT.

1111 | 2. The aggregate scores of all eligible students enrolled
 1112 | in the school who have been assessed on the FCAT, including
 1113 | Florida Writes, and who have scored at or in the lowest 25th
 1114 | percentile of students in the school in reading, mathematics
 1115 | ~~math~~, or writing, unless these students are exhibiting
 1116 | satisfactory performance.

1117 | 3. Effective with the 2005-2006 school year, the
 1118 | achievement scores and learning gains of eligible students
 1119 | attending alternative schools that provide dropout prevention

1120 and academic intervention services pursuant to s. 1003.53. The
 1121 term "eligible students" in this subparagraph does not include
 1122 students attending an alternative school who are subject to
 1123 district school board policies for expulsion for repeated or
 1124 serious offenses, who are in dropout retrieval programs serving
 1125 students who have officially been designated as dropouts, or who
 1126 are in programs operated or contracted by the Department of
 1127 Juvenile Justice. The student performance data for eligible
 1128 students identified in this subparagraph shall be included in
 1129 the calculation of the home school's grade. As used in ~~For~~
 1130 ~~purposes of~~ this section and s. 1008.341, the term "home school"
 1131 means the school to which the student would be assigned if the
 1132 student were not ~~was attending when~~ assigned to an alternative
 1133 school. If an alternative school chooses to be graded under
 1134 ~~pursuant to~~ this section, student performance data for eligible
 1135 students identified in this subparagraph shall not be included
 1136 in the home school's grade but shall be included only in the
 1137 calculation of the alternative school's grade. School districts
 1138 shall ~~must~~ require collaboration between the home school and the
 1139 alternative school in order to promote student success. This
 1140 collaboration must include an annual discussion between the
 1141 principal of the alternative school and the principal of each
 1142 student's home school concerning the most appropriate school
 1143 assignment for the student.

1144
 1145 The State Board of Education shall adopt appropriate criteria
 1146 for each school grade. The criteria must also give added weight
 1147 to student achievement in reading. Schools designated with a

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1148 grade of "C," making satisfactory progress, shall be required to
 1149 demonstrate that adequate progress has been made by students in
 1150 the school who are in the lowest 25th percentile in reading,
 1151 mathematics ~~math~~, or writing on the FCAT, including Florida
 1152 Writes, unless these students are exhibiting satisfactory
 1153 performance.

1154 Section 18. Subsection (2) of section 1008.341, Florida
 1155 Statutes, is amended to read:

1156 1008.341 School improvement rating for alternative
 1157 schools.--

1158 (2) SCHOOL IMPROVEMENT RATING.--An alternative school
 1159 ~~schools~~ that provides ~~provide~~ dropout prevention and academic
 1160 intervention services under ~~pursuant to~~ s. 1003.53 shall receive
 1161 a school improvement rating under ~~pursuant to~~ this section.
 1162 However, an alternative school shall not receive a school
 1163 improvement rating if the number of its students for whom
 1164 student performance data is available for the current year and
 1165 previous year is less than the minimum sample size necessary,
 1166 based on accepted professional practice, for statistical
 1167 reliability and prevention of the unlawful release of personally
 1168 identifiable student data under s. 1002.22 or 20 U.S.C. s.
 1169 1232g. The school improvement rating shall identify an
 1170 alternative school ~~schools~~ as having one of the following
 1171 ratings defined according to rules of the State Board of
 1172 Education:

1173 (a) "Improving" means a school ~~schools~~ with students
 1174 making more academic progress than when the students were served
 1175 in their home schools.

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1176 (b) "Maintaining" means a school ~~schools~~ with students
 1177 making progress equivalent to the progress made when the
 1178 students were served in their home schools.

1179 (c) "Declining" means a school ~~schools~~ with students
 1180 making less academic progress than when the students were served
 1181 in their home schools.

1182
 1183 The school improvement rating shall be based on a comparison of
 1184 student performance data for the current year and previous year.
 1185 Schools that improve at least one level or maintain an
 1186 "improving" rating under ~~pursuant to~~ this section are eligible
 1187 for school recognition awards under ~~pursuant to~~ s. 1008.36.

1188 Section 19. Paragraph (a) of subsection (8) of section
 1189 1008.345, Florida Statutes, is amended to read:

1190 1008.345 Implementation of state system of school
 1191 improvement and education accountability.--

1192 (8) As a part of the system of educational accountability,
 1193 the Department of Education shall:

1194 (a) Develop minimum ~~performance~~ standards for various
 1195 grades and subject areas, as required in ss. 1001.03, 1008.22,
 1196 and 1008.34.

1197 Section 20. This act shall take effect July 1, 2008.