

CS/HB 543

2009

1 A bill to be entitled
2 An act relating to high school science assessment;
3 amending ss. 1003.428 and 1003.429, F.S.; requiring
4 students entering grade 9 to earn one credit in Biology I
5 or in a series of equivalent courses for high school
6 graduation beginning with the 2010-2011 school year;
7 amending s. 1008.22, F.S.; requiring the administration of
8 an end-of-course assessment in biology as a field test
9 during the 2010-2011 school year; requiring the end-of-
10 course assessment in biology to replace the comprehensive
11 assessment of science administered at the high school
12 level beginning with the 2011-2012 school year; providing
13 requirements for course grade and course credit; requiring
14 the State Board of Education to designate a passing score
15 for the end-of-course assessment in biology; amending s.
16 1008.34, F.S.; requiring the inclusion of biology end-of-
17 course assessment data in determining school grades
18 beginning with the 2011-2012 school year; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (1) and paragraph (a) of subsection
24 (2) of section 1003.428, Florida Statutes, are amended to read:

25 1003.428 General requirements for high school graduation;
26 revised.--

27 (1) Except as otherwise authorized pursuant to s.
28 1003.429, beginning with students entering grade 9 ~~their first~~

29 | ~~year of high school~~ in the 2007-2008 school year, graduation
30 | requires the successful completion of a minimum of 24 credits,
31 | an International Baccalaureate curriculum, or an Advanced
32 | International Certificate of Education curriculum. Students must
33 | be advised of eligibility requirements for state scholarship
34 | programs and postsecondary admissions.

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

38 | (a) Sixteen core curriculum credits:

39 | 1. Four credits in English, with major concentration in
40 | composition, reading for information, and literature.

41 | 2. Four credits in mathematics, one of which must be
42 | Algebra I, a series of courses equivalent to Algebra I, or a
43 | higher-level mathematics course. School districts are encouraged
44 | to set specific goals to increase enrollments in, and successful
45 | completion of, geometry and Algebra II.

46 | 3. Three credits in science, two of which must have a
47 | laboratory component. Beginning with students entering grade 9
48 | in the 2010-2011 school year, one of the three credits in
49 | science must be Biology I or a series of courses that have been
50 | approved by the State Board of Education as equivalent to
51 | Biology I.

52 | 4. Three credits in social studies as follows: one credit
53 | in American history; one credit in world history; one-half
54 | credit in economics; and one-half credit in American government.

55 | 5. One credit in fine or performing arts, speech and
56 | debate, or a practical arts course that incorporates artistic

57 | content and techniques of creativity, interpretation, and
58 | imagination. Eligible practical arts courses shall be identified
59 | through the Course Code Directory.

60 | 6. One credit in physical education to include integration
61 | of health. Participation in an interscholastic sport at the
62 | junior varsity or varsity level for two full seasons shall
63 | satisfy the one-credit requirement in physical education if the
64 | student passes a competency test on personal fitness with a
65 | score of "C" or better. The competency test on personal fitness
66 | must be developed by the Department of Education. A district
67 | school board may not require that the one credit in physical
68 | education be taken during the 9th grade year. Completion of one
69 | semester with a grade of "C" or better in a marching band class,
70 | in a physical activity class that requires participation in
71 | marching band activities as an extracurricular activity, or in a
72 | dance class shall satisfy one-half credit in physical education
73 | or one-half credit in performing arts. This credit may not be
74 | used to satisfy the personal fitness requirement or the
75 | requirement for adaptive physical education under an individual
76 | education plan (IEP) or 504 plan. Completion of 2 years in a
77 | Reserve Officer Training Corps (R.O.T.C.) class, a significant
78 | component of which is drills, shall satisfy the one-credit
79 | requirement in physical education and the one-credit requirement
80 | in performing arts. This credit may not be used to satisfy the
81 | personal fitness requirement or the requirement for adaptive
82 | physical education under an individual education plan (IEP) or
83 | 504 plan.

84 Section 2. Subsection (1) of section 1003.429, Florida
85 Statutes, is amended to read:

86 1003.429 Accelerated high school graduation options.--

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

91 (a) Completion of the general requirements for high school
92 graduation pursuant to s. 1003.43;

93 (b) Completion of a 3-year standard college preparatory
94 program requiring successful completion of a minimum of 18
95 academic credits in grades 9 through 12. At least 6 of the 18
96 credits required for completion of this program must be received
97 in classes that are offered pursuant to the International
98 Baccalaureate Program, the Advanced Placement Program, dual
99 enrollment, Advanced International Certificate of Education, or
100 specifically listed or identified by the Department of Education
101 as rigorous pursuant to s. 1009.531(3). The 18 credits required
102 for completion of this program shall be primary requirements and
103 shall be distributed as follows:

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

106 2. Three credits in mathematics at the Algebra I level or
107 higher from the list of courses that qualify for state
108 university admission;

109 3. Three credits in natural science, two of which must
110 have a laboratory component. Beginning with students entering
111 grade 9 in the 2010-2011 school year, one of the three credits

112 in science must be Biology I or a series of courses that have
 113 been approved by the State Board of Education as equivalent to
 114 Biology I;

115 4. Three credits in social sciences, which must include
 116 one credit in American history, one credit in world history,
 117 one-half credit in American government, and one-half credit in
 118 economics;

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

125 6. Three credits in electives; or

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

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

132 2. Three credits in mathematics, one of which must be
 133 Algebra I;

134 3. Three credits in natural science, two of which must
 135 have a laboratory component. Beginning with students entering
 136 grade 9 in the 2010-2011 school year, one of the three credits
 137 in science must be Biology I or a series of courses that have
 138 been approved by the State Board of Education as equivalent to
 139 Biology I;

140 4. Three credits in social sciences, which must include
141 one credit in American history, one credit in world history,
142 one-half credit in American government, and one-half credit in
143 economics;

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

148 6. Two credits in electives unless five credits are earned
149 pursuant to subparagraph 5.

150

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

156 Section 3. Paragraph (c) of subsection (3) of section
157 1008.22, Florida Statutes, is amended to read:

158 1008.22 Student assessment program for public schools.--

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

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

174 (c) Develop and implement a student achievement testing
175 program known as the Florida Comprehensive Assessment Test
176 (FCAT) as part of the statewide assessment program to measure a
177 student's content knowledge and skills in reading, writing,
178 science, and mathematics. Other content areas may be included as
179 directed by the commissioner. Comprehensive assessments of
180 reading and mathematics shall be administered annually in grades
181 3 through 10. Comprehensive assessments of writing and science
182 shall be administered at least once at the elementary, middle,
183 and high school levels. During the 2010-2011 school year, an
184 end-of-course assessment in biology shall be administered as a
185 field test at the high school level. Beginning with the 2011-
186 2012 school year, the end-of-course assessment in biology shall
187 replace the comprehensive assessment of science administered at
188 the high school level. During the 2011-2012 school year, each
189 student's performance on the end-of-course assessment in biology
190 shall constitute 30 percent of the student's final course grade.
191 Beginning with the 2012-2013 school year, a student must earn a
192 passing score on the end-of-course assessment in biology in
193 order to pass the course and receive course credit. End-of-
194 course assessments for a subject may be administered in addition
195 to the comprehensive assessments required for that subject under

196 | this paragraph. An end-of-course assessment must be rigorous,
197 | statewide, standardized, and developed or approved by the
198 | department. The content knowledge and skills assessed by
199 | comprehensive and end-of-course assessments must be aligned to
200 | the core curricular content established in the Sunshine State
201 | Standards. The commissioner may select one or more nationally
202 | developed comprehensive examinations, which may include, but
203 | need not be limited to, examinations for a College Board
204 | Advanced Placement course, International Baccalaureate course,
205 | or Advanced International Certificate of Education course or
206 | industry-approved examinations to earn national industry
207 | certifications as defined in s. 1003.492, for use as end-of-
208 | course assessments under this paragraph, if the commissioner
209 | determines that the content knowledge and skills assessed by the
210 | examinations meet or exceed the grade level expectations for the
211 | core curricular content established for the course in the Next
212 | Generation Sunshine State Standards. The commissioner may
213 | collaborate with the American Diploma Project in the adoption or
214 | development of rigorous end-of-course assessments that are
215 | aligned to the Next Generation Sunshine State Standards. The
216 | testing program must be designed as follows:

217 | 1. The tests shall measure student skills and competencies
218 | adopted by the State Board of Education as specified in
219 | paragraph (a). The tests must measure and report student
220 | proficiency levels of all students assessed in reading, writing,
221 | mathematics, and science. The commissioner shall provide for the
222 | tests to be developed or obtained, as appropriate, through
223 | contracts and project agreements with private vendors, public

224 vendors, public agencies, postsecondary educational
225 institutions, or school districts. The commissioner shall obtain
226 input with respect to the design and implementation of the
227 testing program from state educators, assistive technology
228 experts, and the public.

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

234 3. Beginning with the 2008-2009 school year, the
235 commissioner shall discontinue administration of the selected-
236 response test items on the comprehensive assessments of writing.
237 Beginning with the 2012-2013 school year, the comprehensive
238 assessments of writing shall be composed of a combination of
239 selected-response test items, short-response performance tasks,
240 and extended-response performance tasks, which shall measure a
241 student's content knowledge of writing, including, but not
242 limited to, paragraph and sentence structure, sentence
243 construction, grammar and usage, punctuation, capitalization,
244 spelling, parts of speech, verb tense, irregular verbs, subject-
245 verb agreement, and noun-pronoun agreement.

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

250 5. Except as provided in s. 1003.428(8)(b) or s.
251 1003.43(11)(b), students must earn a passing score on the grade

252 10 assessment test described in this paragraph or attain
253 concordant scores as described in subsection (10) in reading,
254 writing, and mathematics to qualify for a standard high school
255 diploma. The State Board of Education shall designate a passing
256 score for each part of the grade 10 assessment test and the end-
257 of-course assessment in biology. In establishing passing scores,
258 the state board shall consider any possible negative impact of
259 the test on minority students. The State Board of Education
260 shall adopt rules which specify the passing scores for each part
261 of the grade 10 assessment test and the end-of-course assessment
262 in biology ~~FCAT~~. Any such rules, which have the effect of
263 raising the required passing scores, shall apply only to
264 students taking the assessment ~~grade 10 FCAT~~ for the first time
265 after such rules are adopted by the State Board of Education.

266 6. Participation in the testing program is mandatory for
267 all students attending public school, including students served
268 in Department of Juvenile Justice programs, except as otherwise
269 prescribed by the commissioner. If a student does not
270 participate in the statewide assessment, the district must
271 notify the student's parent and provide the parent with
272 information regarding the implications of such nonparticipation.
273 A parent must provide signed consent for a student to receive
274 classroom instructional accommodations that would not be
275 available or permitted on the statewide assessments and must
276 acknowledge in writing that he or she understands the
277 implications of such instructional accommodations. The State
278 Board of Education shall adopt rules, based upon recommendations
279 of the commissioner, for the provision of test accommodations

280 for students in exceptional education programs and for students
281 who have limited English proficiency. Accommodations that negate
282 the validity of a statewide assessment are not allowable in the
283 administration of the FCAT. However, instructional
284 accommodations are allowable in the classroom if included in a
285 student's individual education plan. Students using
286 instructional accommodations in the classroom that are not
287 allowable as accommodations on the FCAT may have the FCAT
288 requirement waived pursuant to the requirements of s.
289 1003.428(8)(b) or s. 1003.43(11)(b).

290 7. A student seeking an adult high school diploma must
291 meet the same testing requirements that a regular high school
292 student must meet.

293 8. District school boards must provide instruction to
294 prepare students to demonstrate proficiency in the core
295 curricular content established in the Next Generation Sunshine
296 State Standards adopted under s. 1003.41, including the core
297 content knowledge and skills necessary for successful grade-to-
298 grade progression and high school graduation. If a student is
299 provided with instructional accommodations in the classroom that
300 are not allowable as accommodations in the statewide assessment
301 program, as described in the test manuals, the district must
302 inform the parent in writing and must provide the parent with
303 information regarding the impact on the student's ability to
304 meet expected proficiency levels in reading, writing, and
305 mathematics. The commissioner shall conduct studies as necessary
306 to verify that the required core curricular content is part of
307 the district instructional programs.

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

312 10. The Department of Education must develop, or select,
313 and implement a common battery of assessment tools that will be
314 used in all juvenile justice programs in the state. These tools
315 must accurately measure the core curricular content established
316 in the Sunshine State Standards.

317 11. For students seeking a special diploma pursuant to s.
318 1003.438, the Department of Education must develop or select and
319 implement an alternate assessment tool that accurately measures
320 the core curricular content established in the Sunshine State
321 Standards for students with disabilities under s. 1003.438.

322 12. The Commissioner of Education shall establish
323 schedules for the administration of statewide assessments and
324 the reporting of student test results. The commissioner shall,
325 by August 1 of each year, notify each school district in writing
326 and publish on the department's Internet website the testing and
327 reporting schedules for, at a minimum, the school year following
328 the upcoming school year. The testing and reporting schedules
329 shall require that:

330 a. There is the latest possible administration of
331 statewide assessments and the earliest possible reporting to the
332 school districts of student test results which is feasible
333 within available technology and specific appropriations;
334 however, test results must be made available no later than the
335 final day of the regular school year for students.

336 b. Beginning with the 2010-2011 school year, a
337 comprehensive statewide assessment of writing is not
338 administered earlier than the week of March 1 and a
339 comprehensive statewide assessment of any other subject is not
340 administered earlier than the week of April 15.

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

343

344 The commissioner may, based on collaboration and input from
345 school districts, design and implement student testing programs,
346 for any grade level and subject area, necessary to effectively
347 monitor educational achievement in the state, including the
348 measurement of educational achievement of the Sunshine State
349 Standards for students with disabilities. Development and
350 refinement of assessments shall include universal design
351 principles and accessibility standards that will prevent any
352 unintended obstacles for students with disabilities while
353 ensuring the validity and reliability of the test. These
354 principles should be applicable to all technology platforms and
355 assistive devices available for the assessments. The field
356 testing process and psychometric analyses for the statewide
357 assessment program must include an appropriate percentage of
358 students with disabilities and an evaluation or determination of
359 the effect of test items on such students.

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

362 1008.34 School grading system; school report cards;
363 district grade.--

364 (3) DESIGNATION OF SCHOOL GRADES.--

365 (b)1. A school's grade shall be based on a combination of:

366 a. Student achievement scores, including achievement

367 scores for students seeking a special diploma.

368 b. Student learning gains as measured by annual FCAT

369 assessments in grades 3 through 10; learning gains for students

370 seeking a special diploma, as measured by an alternate

371 assessment tool, shall be included not later than the 2009-2010

372 school year.

373 c. Improvement of the lowest 25th percentile of students

374 in the school in reading, mathematics, or writing on the FCAT,

375 unless these students are exhibiting satisfactory performance.

376 2. Beginning with the 2009-2010 school year for schools

377 comprised of high school grades 9, 10, 11, and 12, or grades 10,

378 11, and 12, 50 percent of the school grade shall be based on a

379 combination of the factors listed in sub-subparagraphs 1.a.-c.

380 and the remaining 50 percent on the following factors:

381 a. The high school graduation rate of the school;

382 b. As valid data becomes available, the performance and

383 participation of the school's students in College Board Advanced

384 Placement courses, International Baccalaureate courses, dual

385 enrollment courses, and Advanced International Certificate of

386 Education courses; and the students' achievement of industry

387 certification, as determined by the Agency for Workforce

388 Innovation under s. 1003.492(2) in a career and professional

389 academy, as described in s. 1003.493;

390 c. Postsecondary readiness of the school's students as

391 measured by the SAT, ACT, or the common placement test;

392 d. The high school graduation rate of at-risk students who
393 scored at Level 2 or lower on the grade 8 FCAT Reading and
394 Mathematics examinations;

395 e. As valid data becomes available, the performance of the
396 school's students on statewide standardized end-of-course
397 assessments not required for high school graduation, which are
398 administered under s. 1008.22; and

399 f. The growth or decline in the components listed in sub-
400 subparagraphs a.-e. from year to year.

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

403 1. The aggregate scores of all eligible students enrolled
404 in the school who have been assessed on the FCAT and
405 standardized end-of-course assessments required for high school
406 graduation, including, beginning with the 2011-2012 school year,
407 the end-of-course assessment in biology.

408 2. The aggregate scores of all eligible students enrolled
409 in the school who have been assessed on the FCAT and who have
410 scored at or in the lowest 25th percentile of students in the
411 school in reading, mathematics, or writing, unless these
412 students are exhibiting satisfactory performance.

413 3. Effective with the 2005-2006 school year, the
414 achievement scores and learning gains of eligible students
415 attending alternative schools that provide dropout prevention
416 and academic intervention services pursuant to s. 1003.53. The
417 term "eligible students" in this subparagraph does not include
418 students attending an alternative school who are subject to
419 district school board policies for expulsion for repeated or

420 serious offenses, who are in dropout retrieval programs serving
421 students who have officially been designated as dropouts, or who
422 are in programs operated or contracted by the Department of
423 Juvenile Justice. The student performance data for eligible
424 students identified in this subparagraph shall be included in
425 the calculation of the home school's grade. As used in this
426 section and s. 1008.341, the term "home school" means the school
427 to which the student would be assigned if the student were not
428 assigned to an alternative school. If an alternative school
429 chooses to be graded under this section, student performance
430 data for eligible students identified in this subparagraph shall
431 not be included in the home school's grade but shall be included
432 only in the calculation of the alternative school's grade. A
433 school district that fails to assign the FCAT scores of each of
434 its students to his or her home school or to the alternative
435 school that receives a grade shall forfeit Florida School
436 Recognition Program funds for 1 fiscal year. School districts
437 must require collaboration between the home school and the
438 alternative school in order to promote student success. This
439 collaboration must include an annual discussion between the
440 principal of the alternative school and the principal of each
441 student's home school concerning the most appropriate school
442 assignment of the student.

443 4. Beginning with the 2009-2010 school year for schools
444 comprised of high school grades 9, 10, 11, and 12, or grades 10,
445 11, and 12, the data listed in subparagraphs 1.-3. and the
446 following data as the Department of Education determines such
447 data are valid and available:

- 448 a. The high school graduation rate of the school as
449 calculated by the Department of Education;
- 450 b. The participation rate of all eligible students
451 enrolled in the school and enrolled in College Board Advanced
452 Placement courses; International Baccalaureate courses; dual
453 enrollment courses; Advanced International Certificate of
454 Education courses; and courses or sequence of courses leading to
455 industry certification, as determined by the Agency for
456 Workforce Innovation under s. 1003.492(2) in a career and
457 professional academy, as described in s. 1003.493;
- 458 c. The aggregate scores of all eligible students enrolled
459 in the school in College Board Advanced Placement courses,
460 International Baccalaureate courses, and Advanced International
461 Certificate of Education courses;
- 462 d. Earning of college credit by all eligible students
463 enrolled in the school in dual enrollment programs under s.
464 1007.271;
- 465 e. Earning of an industry certification, as determined by
466 the Agency for Workforce Innovation under s. 1003.492(2) in a
467 career and professional academy, as described in s. 1003.493;
- 468 f. The aggregate scores of all eligible students enrolled
469 in the school in reading, mathematics, and other subjects as
470 measured by the SAT, the ACT, and the common placement test for
471 postsecondary readiness;
- 472 g. The high school graduation rate of all eligible at-risk
473 students enrolled in the school who scored at Level 2 or lower
474 on the grade 8 FCAT Reading and Mathematics examinations;

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475 h. The performance of the school's students on statewide
476 standardized end-of-course assessments not required for high
477 school graduation, which are administered under s. 1008.22; and

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

480

481 The State Board of Education shall adopt appropriate criteria
482 for each school grade. The criteria must also give added weight
483 to student achievement in reading. Schools designated with a
484 grade of "C," making satisfactory progress, shall be required to
485 demonstrate that adequate progress has been made by students in
486 the school who are in the lowest 25th percentile in reading,
487 mathematics, or writing on the FCAT, unless these students are
488 exhibiting satisfactory performance. Beginning with the 2009-
489 2010 school year for schools comprised of high school grades 9,
490 10, 11, and 12, or grades 10, 11, and 12, the criteria for
491 school grades must also give added weight to the graduation rate
492 of all eligible at-risk students, as defined in this paragraph.
493 Beginning in the 2009-2010 school year, in order for a high
494 school to be designated as having a grade of "A," making
495 excellent progress, the school must demonstrate that at-risk
496 students, as defined in this paragraph, in the school are making
497 adequate progress.

498 Section 5. This act shall take effect July 1, 2009.