

By Senator Braynon

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

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30 of FCAT administration and revised general  
31 requirements for high school graduation, to conform to  
32 changes made by the act; amending s. 1008.22, F.S.;  
33 revising the statewide student assessment program to  
34 discontinue use of the FCAT; requiring the assessment  
35 program to consist of subject area assessments for  
36 students in grades 3 through 5, subject area  
37 assessments and end-of-course assessments in core and  
38 noncore subjects for students in grades 6 through 12,  
39 and diagnostic assessments for students in grades 6,  
40 8, and 10; providing eligibility for exemption from  
41 certain assessment requirements; revising course grade  
42 and course credit requirements relating to student  
43 performance on end-of-course assessments; requiring  
44 school districts to provide intervention services to  
45 certain students; providing that results on end-of-  
46 course assessments are one component of requirements  
47 for high school graduation; revising provisions  
48 relating to test-preparation activities; deleting  
49 provisions relating to use of concordant scores for  
50 the FCAT; amending s. 1008.25, F.S.; requiring  
51 intervention services for certain students as part of  
52 the comprehensive program for student progression;  
53 conforming provisions relating to the revision of the  
54 statewide student assessment program; deleting  
55 mandatory retention for certain grade 3 students;  
56 authorizing promotion for good cause; providing for  
57 reporting; amending s. 1008.30, F.S.; revising  
58 provisions relating to use of the common placement

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59 test to conform to discontinuance of FCAT  
60 administration; amending ss. 1008.34 and 1008.341,  
61 F.S.; deleting use of the FCAT as a basis for  
62 determining school grades and school improvement  
63 ratings; providing for student results on subject area  
64 assessments and end-of-course assessments to partially  
65 determine school grades and school improvement  
66 ratings; providing additional factors for such  
67 determination; conforming provisions relating to  
68 revision of the Florida School Recognition Program;  
69 amending s. 1008.36, F.S.; changing the Florida School  
70 Recognition Program to the Every Child Matters  
71 Program; providing intent and purpose of the program;  
72 providing for financial assistance to schools  
73 providing remediation and intervention services to  
74 certain students; specifying the uses of program  
75 funds; providing Department of Education duties;  
76 amending s. 1009.531, F.S.; adding a cross-reference  
77 to high school graduation requirements; amending s.  
78 1011.62, F.S.; conforming provisions relating to  
79 revision of the Florida School Recognition Program and  
80 discontinuance of FCAT administration; amending s.  
81 1012.22, F.S.; conforming provisions relating to  
82 discontinuance of FCAT administration; amending s.  
83 1012.335, F.S.; revising provisions relating to  
84 contracts with instructional personnel; defining the  
85 term "professional performance contract"; revising the  
86 requirements for award of an annual contract;  
87 authorizing annual contract renewal and providing

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88 reasons for nonrenewal; providing requirements for  
89 award of a professional performance contract; creating  
90 s. 1012.988, F.S.; requiring each school district to  
91 develop and implement a professional development  
92 program to support the statewide student assessment  
93 program and the performance of school personnel;  
94 providing duties of the Department of Education;  
95 providing for the appointment of a public school  
96 assessment and accountability alignment committee to  
97 develop standards for a revised statewide student  
98 assessment program, procedures for transitioning to  
99 the new program, and standards for determining school  
100 grades and school improvement ratings; providing for  
101 membership and duties of the alignment committee;  
102 requiring the State Board of Education to adopt rules;  
103 providing a timetable for implementation; providing  
104 for future expiration of the alignment committee;  
105 providing effective dates.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Paragraph (a) of subsection (20) of section  
110 1002.33, Florida Statutes, is amended to read:

111 1002.33 Charter schools.—

112 (20) SERVICES.—

113 (a)1. A sponsor shall provide certain administrative and  
114 educational services to charter schools. These services shall  
115 include contract management services; full-time equivalent and  
116 data reporting services; exceptional student education

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117 administration services; services related to eligibility and  
118 reporting duties required to ensure that school lunch services  
119 under the federal lunch program, consistent with the needs of  
120 the charter school, are provided by the school district at the  
121 request of the charter school, that any funds due to the charter  
122 school under the federal lunch program be paid to the charter  
123 school as soon as the charter school begins serving food under  
124 the federal lunch program, and that the charter school is paid  
125 at the same time and in the same manner under the federal lunch  
126 program as other public schools serviced by the sponsor or the  
127 school district; test administration services, including payment  
128 of the costs of state-required or district-required student  
129 assessments; processing of teacher certificate data services;  
130 and information services, including equal access to student  
131 information systems that are used by public schools in the  
132 district in which the charter school is located. Student  
133 performance data for each student in a charter school,  
134 including, but not limited to, subject area assessment scores,  
135 end-of-course assessment ~~FCAT~~ scores, standardized test scores,  
136 previous public school student report cards, and student  
137 performance measures, shall be provided by the sponsor to a  
138 charter school in the same manner provided to other public  
139 schools in the district.

140 2. A total administrative fee for the provision of such  
141 services shall be calculated based upon up to 5 percent of the  
142 available funds defined in paragraph (17)(b) for all students.  
143 However, a sponsor may only withhold up to a 5-percent  
144 administrative fee for enrollment for up to and including 250  
145 students. For charter schools with a population of 251 or more

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146 students, the difference between the total administrative fee  
147 calculation and the amount of the administrative fee withheld  
148 may only be used for capital outlay purposes specified in s.  
149 1013.62(2).

150 3. For high-performing charter schools, as defined in ch.  
151 2011-232, a sponsor may withhold a total administrative fee of  
152 up to 2 percent for enrollment up to and including 250 students  
153 per school.

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

158 a. Includes both conversion charter schools and  
159 nonconversion charter schools;

160 b. Has all schools located in the same county;

161 c. Has a total enrollment exceeding the total enrollment of  
162 at least one school district in the state;

163 d. Has the same governing board; and

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

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

171 6. For a high-performing charter school system that also  
172 meets the requirements in subparagraph 4., a sponsor may  
173 withhold a 2-percent administrative fee for enrollments up to  
174 and including 500 students per system.

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175           7. Sponsors shall not charge charter schools any additional  
176 fees or surcharges for administrative and educational services  
177 in addition to the maximum 5-percent administrative fee withheld  
178 pursuant to this paragraph.

179           8. The sponsor of a virtual charter school may withhold a  
180 fee of up to 5 percent. The funds shall be used to cover the  
181 cost of services provided under subparagraph 1. and for the  
182 school district's local instructional improvement system  
183 pursuant to s. 1006.281 or other technological tools that are  
184 required to access electronic and digital instructional  
185 materials.

186           Section 2. Paragraph (c) of subsection (3) of section  
187 1003.03, Florida Statutes, is amended to read:

188           1003.03 Maximum class size.—

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

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

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

200           Section 3. Paragraph (d) of subsection (3) of section  
201 1003.413, Florida Statutes, is amended to read:

202           1003.413 Florida Secondary School Redesign Act.—

203           (3) Based on these guiding principles, district school

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204 boards shall establish policies to implement the requirements of  
205 ss. 1003.4156, 1003.428, and 1003.493. The policies must  
206 address:

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

218 Section 4. Paragraphs (b) and (c) of subsection (1) of  
219 section 1003.4156, Florida Statutes, are amended to read:

220 1003.4156 General requirements for middle grades  
221 promotion.—

222 (1) Promotion from a school composed of middle grades 6, 7,  
223 and 8 requires that:

224 (b) For each year in which a student's performance on a  
225 diagnostic assessment or a subject area assessment in student  
226 ~~scores at Level 1 on FCAT reading~~ does not meet grade-level  
227 expectations, the student must be enrolled in and complete an  
228 intensive reading course the following year. Placement of  
229 students ~~Level 2 readers~~ in either an intensive reading course  
230 or a content area course in which reading strategies are  
231 delivered shall be determined by diagnosis of reading needs. The  
232 department shall provide guidance on appropriate strategies for

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233 diagnosing and meeting the varying instructional needs of  
234 students reading below grade level. Reading courses shall be  
235 designed and offered pursuant to the comprehensive reading plan  
236 required by s. 1011.62(9). A middle grades student who does not  
237 meet grade-level expectations in reading scores at Level 1 or  
238 Level 2 on FCAT Reading but who met grade-level expectations in  
239 reading did not score below Level 3 in the previous 3 years may  
240 be granted a 1-year exemption from the reading remediation  
241 requirement; however, the student must have an approved academic  
242 improvement plan already in place, signed by the appropriate  
243 school staff and the student's parent, for the year for which  
244 the exemption is granted.

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

251 Section 5. Subsection (1), paragraph (b) of subsection (2),  
252 paragraph (b) of subsection (4), and paragraph (b) of subsection  
253 (8) of section 1003.428, Florida Statutes, are amended to read:

254 1003.428 General requirements for high school graduation;  
255 revised.—

256 (1) Except as otherwise authorized pursuant to s. 1003.429,  
257 beginning with students entering grade 9 in the 2007-2008 school  
258 year, graduation requires the successful completion of a minimum  
259 of 24 credits, an International Baccalaureate curriculum, or an  
260 Advanced International Certificate of Education curriculum.  
261 Students must be advised of the Advanced Placement courses,

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262 International Baccalaureate courses, Advanced International  
263 Certificate of Education courses, career academy courses that  
264 lead to national industry certification, and dual enrollment  
265 courses that are available, as well as the availability of  
266 course offerings through the Florida Virtual School. Students  
267 must also be advised of eligibility requirements for state  
268 scholarship programs and postsecondary admissions.

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

272 (b) Eight credits in electives.

273 1. For each year in which a student's performance on a  
274 diagnostic assessment or subject area assessment in ~~student~~  
275 scores at Level 1 on FCAT reading does not meet grade-level  
276 expectations, the student must receive remediation and  
277 intervention services as soon as feasible but no later than ~~be~~  
278 enrolled in and complete an intensive reading course the  
279 following year. Placement of students Level 2 readers in either  
280 a ~~an~~ intensive reading course or a content area course in which  
281 reading strategies are delivered shall be determined by  
282 diagnosis of reading needs. The department shall provide  
283 guidance on appropriate strategies for diagnosing and meeting  
284 the varying instructional needs of students reading below grade  
285 level. Reading courses shall be designed and offered pursuant to  
286 the comprehensive reading plan required by s. 1011.62(9). A high  
287 school student who does not meet grade-level expectations in  
288 reading scores at Level 1 or Level 2 on FCAT Reading but who met  
289 grade-level expectations in reading ~~did not score below Level 3~~  
290 in the previous 3 years may be granted a 1-year exemption from

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291 the reading remediation requirement; however, the student must  
292 have an approved academic improvement plan already in place,  
293 signed by the appropriate school staff and the student's parent,  
294 for the year for which the exemption is granted.

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

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

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

306 (b) Successful overall academic performance based on end-  
307 of-course assessments, grade point average, student portfolios,  
308 and, if determined by the State Board of Education, other  
309 measurable indicators of student progress. ~~Earning passing~~  
310 ~~scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on~~  
311 ~~a standardized test that are concordant with passing scores on~~  
312 ~~the FCAT as defined in s. 1008.22(10).~~

313  
314 Each district school board shall adopt policies designed to  
315 assist students in meeting the requirements of this subsection.  
316 These policies may include, but are not limited to: forgiveness  
317 policies, summer school or before or after school attendance,  
318 special counseling, volunteers or peer tutors, school-sponsored  
319 help sessions, homework hotlines, and study skills classes.

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320 Forgiveness policies for required courses shall be limited to  
321 replacing a grade of "D" or "F," or the equivalent of a grade of  
322 "D" or "F," with a grade of "C" or higher, or the equivalent of  
323 a grade of "C" or higher, earned subsequently in the same or  
324 comparable course. Forgiveness policies for elective courses  
325 shall be limited to replacing a grade of "D" or "F," or the  
326 equivalent of a grade of "D" or "F," with a grade of "C" or  
327 higher, or the equivalent of a grade of "C" or higher, earned  
328 subsequently in another course. The only exception to these  
329 forgiveness policies shall be made for a student in the middle  
330 grades who takes any high school course for high school credit  
331 and earns a grade of "C," "D," or "F" or the equivalent of a  
332 grade of "C," "D," or "F." In such case, the district  
333 forgiveness policy must allow the replacement of the grade with  
334 a grade of "C" or higher, or the equivalent of a grade of "C" or  
335 higher, earned subsequently in the same or comparable course. In  
336 all cases of grade forgiveness, only the new grade shall be used  
337 in the calculation of the student's grade point average. Any  
338 course grade not replaced according to a district school board  
339 forgiveness policy shall be included in the calculation of the  
340 cumulative grade point average required for graduation.

341 (8)

342 ~~(b)1. A student with a disability, as defined in s.~~  
343 ~~1007.02(2), for whom the individual education plan (IEP)~~  
344 ~~committee determines that the FCAT cannot accurately measure the~~  
345 ~~student's abilities taking into consideration all allowable~~  
346 ~~accommodations, shall have the FCAT requirement of paragraph~~  
347 ~~(4)(b) waived for the purpose of receiving a standard high~~  
348 ~~school diploma, if the student:~~

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

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

353 2. A student with a disability, as defined in s.  
354 1007.02(2), for whom the IEP committee determines that an end-  
355 of-course assessment cannot accurately measure the student's  
356 abilities, taking into consideration all allowable  
357 accommodations, shall have the end-of-course assessment results  
358 that are used as a partial basis for determining successful  
359 overall academic performance waived for the purpose of  
360 determining the student's course grade and credit as required in  
361 paragraph (4) (a).

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

365 1003.429 Accelerated high school graduation options.—

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

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

372 (b) Completion of a 3-year standard college preparatory  
373 program requiring successful completion of a minimum of 18  
374 academic credits in grades 9 through 12. At least 6 of the 18  
375 credits required for completion of this program must be received  
376 in classes that are offered pursuant to the International  
377 Baccalaureate Program, the Advanced Placement Program, dual

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378 enrollment, or the Advanced International Certificate of  
379 Education Program, or specifically listed or identified by the  
380 Department of Education as rigorous pursuant to s. 1009.531(3).  
381 Students must be advised of the Advanced Placement courses,  
382 International Baccalaureate courses, Advanced International  
383 Certificate of Education courses, career academy courses that  
384 lead to national industry certification, and dual enrollment  
385 courses that are available, as well as the availability of  
386 course offerings through the Florida Virtual School. The 18  
387 credits required for completion of this program shall be primary  
388 requirements and shall be distributed as follows:

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

391 2. Three credits and, beginning with students entering  
392 grade 9 in the 2010-2011 school year, four credits in  
393 mathematics at the Algebra I level or higher from the list of  
394 courses that qualify for state university admission. Beginning  
395 with students entering grade 9 in the 2010-2011 school year, in  
396 addition to the Algebra I credit requirement, one of the four  
397 credits in mathematics must be geometry or a series of courses  
398 equivalent to geometry as approved by the State Board of  
399 Education. Beginning with students entering grade 9 in the 2010-  
400 2011 school year, the end-of-course assessment requirements  
401 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student  
402 to earn the required credit in Algebra I. Beginning with  
403 students entering grade 9 in the 2011-2012 school year, the end-  
404 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)  
405 must be met in order for a student to earn the required credit  
406 in geometry. Beginning with students entering grade 9 in the

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407 2012-2013 school year, in addition to the Algebra I and geometry  
408 credit requirements, one of the four credits in mathematics must  
409 be Algebra II or a series of courses equivalent to Algebra II as  
410 approved by the State Board of Education;

411 3. Three credits in science, two of which must have a  
412 laboratory component. Beginning with students entering grade 9  
413 in the 2011-2012 school year, one of the three credits in  
414 science must be Biology I or a series of courses equivalent to  
415 Biology I as approved by the State Board of Education. Beginning  
416 with students entering grade 9 in the 2011-2012 school year, the  
417 end-of-course assessment requirements under s.

418 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
419 the required credit in Biology I. Beginning with students  
420 entering grade 9 in the 2013-2014 school year, one of the three  
421 credits must be Biology I or a series of courses equivalent to  
422 Biology I as approved by the State Board of Education, one  
423 credit must be chemistry or physics or a series of courses  
424 equivalent to chemistry or physics as approved by the State  
425 Board of Education, and one credit must be an equally rigorous  
426 course, as approved by the State Board of Education;

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

431 5. Two credits in the same second language unless the  
432 student is a native speaker of or can otherwise demonstrate  
433 competency in a language other than English. If the student  
434 demonstrates competency in another language, the student may  
435 replace the language requirement with two credits in other

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436 academic courses; and

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

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

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

446 2. Three credits and, beginning with students entering  
447 grade 9 in the 2010-2011 school year, four credits in  
448 mathematics, one of which must be Algebra I. Beginning with  
449 students entering grade 9 in the 2010-2011 school year, in  
450 addition to the Algebra I credit requirement, one of the four  
451 credits in mathematics must be geometry or a series of courses  
452 equivalent to geometry as approved by the State Board of  
453 Education. Beginning with students entering grade 9 in the 2010-  
454 2011 school year, the end-of-course assessment requirements  
455 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student  
456 to earn the required credit in Algebra I. Beginning with  
457 students entering grade 9 in the 2011-2012 school year, the end-  
458 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)  
459 must be met in order for a student to earn the required credit  
460 in geometry. Beginning with students entering grade 9 in the  
461 2012-2013 school year, in addition to the Algebra I and geometry  
462 credit requirements, one of the four credits in mathematics must  
463 be Algebra II or a series of courses equivalent to Algebra II as  
464 approved by the State Board of Education;

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465           3. Three credits in science, two of which must have a  
466 laboratory component. Beginning with students entering grade 9  
467 in the 2011-2012 school year, one of the three credits in  
468 science must be Biology I or a series of courses equivalent to  
469 Biology I as approved by the State Board of Education. Beginning  
470 with students entering grade 9 in the 2011-2012 school year, the  
471 end-of-course assessment requirements under s.

472 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
473 the required credit in Biology I. Beginning with students  
474 entering grade 9 in the 2013-2014 school year, one of the three  
475 credits must be Biology I or a series of courses equivalent to  
476 Biology I as approved by the State Board of Education, one  
477 credit must be chemistry or physics or a series of courses  
478 equivalent to chemistry or physics as approved by the State  
479 Board of Education, and one credit must be an equally rigorous  
480 course, as approved by the State Board of Education;

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

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

489           6. Two credits and, beginning with students entering grade  
490 9 in the 2010-2011 school year, one credit in electives unless  
491 five credits are earned pursuant to subparagraph 5.

492  
493 Any student who selected an accelerated graduation program

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494 before July 1, 2004, may continue that program, and all  
495 statutory program requirements that were applicable when the  
496 student made the program choice shall remain applicable to the  
497 student as long as the student continues that program.

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

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

508  
509 Weighted grades referred to in paragraphs (b), (c), and (d)  
510 shall be applied to those courses specifically listed or  
511 identified by the department as rigorous pursuant to s.  
512 1009.531(3) or weighted by the district school board for class  
513 ranking purposes.

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

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

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

522 (c) Does not achieve a passing score ~~of 3 or higher~~ on an

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523 end-of-course assessment in language arts ~~the grade 10 FCAT~~  
524 ~~Writing assessment~~; or

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

527 Section 7. Effective upon this act becoming a law, the  
528 State Board of Education shall appoint a task force to develop  
529 high school graduation standards for students who plan to enroll  
530 in a trade school or postsecondary technical institution after  
531 high school. In addition, the task force shall consider ways to  
532 allow school districts to provide unique curriculum offerings  
533 for specific career opportunities and needs that are present in  
534 a school district's area. The task force shall be comprised of  
535 no fewer than 15 members representing, but not limited to,  
536 academic experts in workforce education, high school principals,  
537 teachers, and industry experts and shall be chaired by the  
538 Chancellor for Career and Adult Education. The task force shall  
539 prepare a report with recommendations for high school graduation  
540 standards for career-track students and ways to incorporate  
541 unique career curriculum offerings into a school district's  
542 curriculum to be submitted by January 1, 2013, to the President  
543 of the Senate, the Speaker of the House of Representative, and  
544 the Governor.

545 Section 8. Subsections (1), (2), and (3) of section  
546 1003.433, Florida Statutes, are amended to read:

547 1003.433 Learning opportunities for out-of-state and out-  
548 of-country transfer students and students needing additional  
549 instruction to meet high school graduation requirements.-

550 (1) Students who enter a Florida public school at the  
551 eleventh or twelfth grade from out of state or from a foreign

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552 country shall not be required to spend additional time in a  
553 Florida public school in order to meet the high school course  
554 requirements if the student has met all requirements of the  
555 school district, state, or country from which he or she is  
556 transferring. Such students who are not proficient in English  
557 should receive immediate and intensive instruction in English  
558 language acquisition. However, to receive a standard high school  
559 diploma, a transfer student must achieve successful overall  
560 academic performance based on end-of-course assessments, earn a  
561 2.0 or higher grade point average, student portfolios, and, if  
562 determined by the State Board of Education, other measurable  
563 indicators of student progress ~~and pass the grade 10 FCAT~~  
564 ~~required in s. 1008.22(3) or an alternate assessment as~~  
565 ~~described in s. 1008.22(10).~~

566 (2) Students who do not meet ~~have met~~ all requirements for  
567 the standard high school diploma ~~except for passage of the grade~~  
568 ~~10 FCAT or an alternate assessment~~ by the end of grade 12 must  
569 be provided the following learning opportunities:

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

572 (b) Upon receipt of a certificate of completion, be allowed  
573 to take the College Placement Test and be admitted to remedial  
574 or credit courses at a Florida College System institution, as  
575 appropriate.

576 (c) Participation in an adult general education program as  
577 provided in s. 1004.93 for such time as the student requires to  
578 master English, reading, mathematics, or any other subject  
579 required for high school graduation. Students attending adult  
580 basic, adult secondary, or vocational-preparatory instruction

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581 are exempt from any requirement for the payment of tuition and  
582 fees, including lab fees, pursuant to s. 1009.25. ~~A student~~  
583 ~~attending an adult general education program shall have the~~  
584 ~~opportunity to take the grade 10 FCAT an unlimited number of~~  
585 ~~times in order to receive a standard high school diploma.~~

586 (3) Students who have been enrolled in an ESOL program for  
587 less than 2 school years and have not met all requirements for  
588 the standard high school diploma ~~except for passage of the grade~~  
589 ~~10 FCAT or alternate assessment~~ may receive immersion English  
590 language instruction during the summer following their senior  
591 year. Students receiving such instruction are eligible to ~~take~~  
592 ~~the FCAT or alternate assessment~~ and receive a standard high  
593 school diploma upon achievement of successful overall academic  
594 performance pursuant to subsection (1) ~~passage of the grade 10~~  
595 ~~FCAT or the alternate assessment~~. This subsection shall be  
596 implemented to the extent funding is provided in the General  
597 Appropriations Act.

598 Section 9. Paragraph (a) of subsection (1), paragraph (c)  
599 of subsection (3), paragraphs (b) and (c) of subsection (4),  
600 paragraph (a) of subsection (7), paragraphs (b) and (c) of  
601 subsection (9), and subsections (10) through (13) of section  
602 1008.22, Florida Statutes, are amended to read:

603 1008.22 Student assessment program for public schools.—

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

609 (a) Assess the annual learning gains of each student toward

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610 achieving the Next Generation Sunshine State Standards  
611 appropriate for the student's grade level.

612 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
613 design and implement a statewide program of educational  
614 assessment that provides information for the improvement of the  
615 operation and management of the public schools, including  
616 schools operating for the purpose of providing educational  
617 services to youth in Department of Juvenile Justice programs.  
618 The commissioner may enter into contracts for the continued  
619 administration of the assessment, testing, and evaluation  
620 programs authorized and funded by the Legislature. Contracts may  
621 be initiated in 1 fiscal year and continue into the next and may  
622 be paid from the appropriations of either or both fiscal years.  
623 The commissioner is authorized to negotiate for the sale or  
624 lease of tests, scoring protocols, test scoring services, and  
625 related materials developed pursuant to law. Pursuant to the  
626 statewide assessment program, the commissioner shall:

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

629 1. Subject area assessments for students in grades 3  
630 through 5, subject area assessments and end-of-course  
631 assessments for students in grades 6 through 12, and diagnostic  
632 assessments for students in grades 6, 8, and 10 shall measure  
633 ~~The Florida Comprehensive Assessment Test (FCAT) measures a~~  
634 ~~student's content knowledge and skills in language arts reading,~~  
635 ~~writing, science, and mathematics, and other core and noncore~~  
636 subject areas as determined by the State Board of Education. The  
637 content knowledge and skills assessed ~~by the FCAT~~ must be  
638 aligned to the core curricular content established in the Next

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639 Generation Sunshine State Standards. ~~Other content areas may be~~  
640 ~~included as directed by the commissioner.~~ Comprehensive  
641 assessments of reading and mathematics shall be administered  
642 annually in grades 3 through 10 ~~except, beginning with the 2010-~~  
643 ~~2011 school year, the administration of grade 9 FCAT Mathematics~~  
644 ~~shall be discontinued, and beginning with the 2011-2012 school~~  
645 ~~year, the administration of grade 10 FCAT Mathematics shall be~~  
646 ~~discontinued, except as required for students who have not~~  
647 ~~attained minimum performance expectations for graduation as~~  
648 ~~provided in paragraph (9) (c).~~ FCAT Writing and FCAT Science  
649 shall be administered at least once at the elementary, middle,  
650 and high school levels ~~except, beginning with the 2011-2012~~  
651 ~~school year, the administration of FCAT Science at the high~~  
652 ~~school level shall be discontinued.~~

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

661 (I) Statewide, standardized end-of-course assessments in  
662 mathematics shall be administered according to this sub-sub-  
663 subparagraph. Beginning with the 2010-2011 school year, all  
664 students enrolled in Algebra I or an equivalent course must take  
665 the Algebra I end-of-course assessment. ~~For students entering~~  
666 ~~grade 9 during the 2010-2011 school year and who are enrolled in~~  
667 ~~Algebra I or an equivalent,~~ Each student's performance on the

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668 end-of-course assessment in Algebra I shall constitute 20 ~~30~~  
669 percent of the student's final course grade. ~~Beginning with~~  
670 ~~students entering grade 9 in the 2011-2012 school year, a~~  
671 ~~student who is enrolled in Algebra I or an equivalent must earn~~  
672 ~~a passing score on the end-of-course assessment in Algebra I or~~  
673 ~~attain an equivalent score as described in subsection (11) in~~  
674 ~~order to earn course credit.~~ Beginning with the 2011-2012 school  
675 year, all students enrolled in geometry or an equivalent course  
676 must take the geometry end-of-course assessment. ~~For students~~  
677 ~~entering grade 9 during the 2011-2012 school year, Each~~  
678 student's performance on the end-of-course assessment in  
679 geometry shall constitute 20 ~~30~~ percent of the student's final  
680 course grade. ~~Beginning with students entering grade 9 during~~  
681 ~~the 2012-2013 school year, a student must earn a passing score~~  
682 ~~on the end-of-course assessment in geometry or attain an~~  
683 ~~equivalent score as described in subsection (11) in order to~~  
684 ~~earn course credit.~~

685 (II) Statewide, standardized end-of-course assessments in  
686 science shall be administered according to this sub-sub-  
687 subparagraph. Beginning with the 2011-2012 school year, all  
688 students enrolled in Biology I or an equivalent course must take  
689 the Biology I end-of-course assessment. ~~For the 2011-2012 school~~  
690 ~~year, Each student's performance on the end-of-course assessment~~  
691 in Biology I shall constitute 20 ~~30~~ percent of the student's  
692 final course grade. ~~Beginning with students entering grade 9~~  
693 ~~during the 2012-2013 school year, a student must earn a passing~~  
694 ~~score on the end-of-course assessment in Biology I in order to~~  
695 ~~earn course credit.~~

696 b. During the 2012-2013 school year, an end-of-course

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697 assessment in civics education shall be administered as a field  
698 test at the middle school level. Beginning with ~~During~~ the 2013-  
699 2014 school year, each student's performance on the statewide,  
700 standardized end-of-course assessment in civics education shall  
701 constitute 20 ~~30~~ percent of the student's final course grade.  
702 ~~Beginning with the 2014-2015 school year, a student must earn a~~  
703 ~~passing score on the end-of-course assessment in civics~~  
704 ~~education in order to pass the course and be promoted from the~~  
705 ~~middle grades.~~ The school principal of a middle school shall  
706 determine, in accordance with State Board of Education rule,  
707 whether a student who transfers to the middle school and who has  
708 successfully completed a civics education course at the  
709 student's previous school must take an end-of-course assessment  
710 in civics education.

711 c. The commissioner may select one or more nationally  
712 developed comprehensive examinations, which may include, but  
713 need not be limited to, examinations for a College Board  
714 Advanced Placement course, International Baccalaureate course,  
715 or Advanced International Certificate of Education course, or  
716 industry-approved examinations to earn national industry  
717 certifications identified in the Industry Certification Funding  
718 List, pursuant to rules adopted by the State Board of Education,  
719 for use as end-of-course assessments under this paragraph, if  
720 the commissioner determines that the content knowledge and  
721 skills assessed by the examinations meet or exceed the grade  
722 level expectations for the core curricular content established  
723 for the course in the Next Generation Sunshine State Standards.  
724 The commissioner may collaborate with the American Diploma  
725 Project in the adoption or development of rigorous end-of-course

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726 assessments that are aligned to the Next Generation Sunshine  
727 State Standards.

728 d. Contingent upon funding provided in the General  
729 Appropriations Act, including the appropriation of funds  
730 received through federal grants, the Commissioner of Education  
731 shall establish an implementation schedule for the development  
732 and administration of additional statewide, standardized end-of-  
733 course assessments in English/Language Arts II, Algebra II,  
734 chemistry, physics, earth/space science, United States history,  
735 and world history. Priority shall be given to the development of  
736 end-of-course assessments in English/Language Arts II. ~~The~~  
737 ~~Commissioner of Education shall evaluate the feasibility and~~  
738 ~~effect of transitioning from the grade 9 and grade 10 FCAT~~  
739 ~~Reading and high school level FCAT Writing to an end-of-course~~  
740 ~~assessment in English/Language Arts II. The commissioner shall~~  
741 ~~report the results of the evaluation to the President of the~~  
742 ~~Senate and the Speaker of the House of Representatives no later~~  
743 ~~than July 1, 2011.~~

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

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755 educators, assistive technology experts, and the public.

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

761 b. The State Board of Education shall develop diagnostic  
762 assessments for students in grades 6, 8, and 10 in language  
763 arts, mathematics, and science content knowledge and skills to  
764 be used to keep students on track to graduate from high school.  
765 The diagnostic assessments shall be administered during the  
766 first month of the school year and shall be designed to identify  
767 specific academic weaknesses in individual students and to  
768 provide specific diagnostic information to help focus  
769 instruction most effectively to meet the needs of individual  
770 students. A school district that demonstrates success by keeping  
771 85 percent or more of its students on track to graduate is  
772 eligible for an exemption from the diagnostic assessment  
773 requirements if the State Board of Education determines that the  
774 district has sufficient local assessments to maintain success. A  
775 district that meets the exemption criteria of this sub-  
776 subparagraph shall receive an amount of discretionary funds from  
777 the state equal to the amount that would be required to carry  
778 out the diagnostic assessments.

779 c. To ensure that students are progressing and meeting  
780 international benchmarks, the testing program may include use of  
781 international assessments, including the Program for  
782 International Student Assessment and the Trends in International  
783 Mathematics and Science Study, as diagnostic tools.

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784           5. ~~FCAT Reading, Mathematics, and Science and All~~  
785 statewide, standardized ~~end-of-course~~ assessments shall measure  
786 the content knowledge and skills a student has attained on the  
787 assessment by the use of scaled scores and achievement levels.  
788 Achievement levels shall range from 1 through 5, with level 1  
789 being the lowest achievement level, level 5 being the highest  
790 achievement level, and level 3 indicating satisfactory  
791 performance on an assessment. ~~For purposes of FCAT Writing,~~  
792 ~~student achievement shall be scored using a scale of 1 through 6~~  
793 ~~and the score earned shall be used in calculating school grades.~~  
794 A score shall be designated for each subject area tested, below  
795 which score a student's performance is deemed inadequate. The  
796 school districts shall provide appropriate remedial instruction  
797 and intervention services to students who score below these  
798 levels.

799           6. The State Board of Education shall, by rule, designate a  
800 passing score for ~~each part of the grade 10 assessment test and~~  
801 ~~end-of-course assessments.~~ Any rule that has the effect of  
802 raising the required passing scores may apply only to students  
803 taking the assessment for the first time after the rule is  
804 adopted by the State Board of Education. Except as otherwise  
805 provided in this subparagraph and as provided in s.  
806 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must achieve  
807 successful overall academic performance based partially on end-  
808 of-course assessments ~~earn a passing score on grade 10 FCAT~~  
809 ~~Reading and grade 10 FCAT Mathematics~~ or attain equivalent  
810 ~~concordant~~ scores as described in subsection (10) in order to  
811 qualify for a standard high school diploma.

812           7. In addition to designating a passing score under

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813 subparagraph 6., the State Board of Education shall also  
814 designate, by rule, a score for each statewide, standardized  
815 end-of-course assessment which indicates that a student is high  
816 achieving and has the potential to meet college-readiness  
817 standards by the time the student graduates from high school.

818 8. Participation in the testing program is mandatory for  
819 all students attending public school, including students served  
820 in Department of Juvenile Justice programs, except as otherwise  
821 prescribed by the commissioner. ~~A student who has not earned~~  
822 ~~passing scores on the grade 10 FCAT as provided in subparagraph~~  
823 ~~6. must participate in each retake of the assessment until the~~  
824 ~~student earns passing scores or achieves scores on a~~  
825 ~~standardized assessment which are concordant with passing scores~~  
826 ~~pursuant to subsection (10).~~ If a student does not participate  
827 in the statewide assessment, the district must notify the  
828 student's parent and provide the parent with information  
829 regarding the implications of such nonparticipation. A parent  
830 must provide signed consent for a student to receive classroom  
831 instructional accommodations that would not be available or  
832 permitted on the statewide assessments and must acknowledge in  
833 writing that he or she understands the implications of such  
834 instructional accommodations. The State Board of Education shall  
835 adopt rules, based upon recommendations of the commissioner, for  
836 the provision of test accommodations for students in exceptional  
837 education programs and for students who have limited English  
838 proficiency. Accommodations that negate the validity of a  
839 statewide assessment are not allowable in the administration of  
840 a subject area assessment ~~the FCAT~~ or an end-of-course  
841 assessment. However, instructional accommodations are allowable

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842 in the classroom if included in a student's individual education  
843 plan. Students using instructional accommodations in the  
844 classroom that are not allowable as accommodations on ~~the FCAT~~  
845 ~~or~~ an end-of-course assessment may have ~~the FCAT or~~ an end-of-  
846 course assessment requirement waived pursuant to the  
847 requirements of s. 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

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

851 10. District school boards must provide instruction to  
852 prepare students in the core curricular content established in  
853 the Next Generation Sunshine State Standards adopted under s.  
854 1003.41, including the core content knowledge and skills  
855 necessary for successful grade-to-grade progression and high  
856 school graduation. If a student is provided with instructional  
857 accommodations in the classroom that are not allowable as  
858 accommodations in the statewide assessment program, as described  
859 in the test manuals, the district must inform the parent in  
860 writing and must provide the parent with information regarding  
861 the impact on the student's ability to meet expected performance  
862 levels ~~in reading, writing, mathematics, and science~~. The  
863 commissioner shall conduct studies as necessary to verify that  
864 the required core curricular content is part of the district  
865 instructional programs.

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

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871 12. The Department of Education must develop, or select,  
872 and implement a common battery of assessment tools that will be  
873 used in all juvenile justice programs in the state. These tools  
874 must accurately measure the core curricular content established  
875 in the Next Generation Sunshine State Standards.

876 13. For students seeking a special diploma pursuant to s.  
877 1003.438, the Department of Education must develop or select and  
878 implement an alternate assessment tool that accurately measures  
879 the core curricular content established in the Next Generation  
880 Sunshine State Standards for students with disabilities under s.  
881 1003.438.

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

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

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900 completes testing for each course. The commissioner may extend  
901 the reporting schedule under exigent circumstances.

902 b. A comprehensive statewide assessment in ~~FCAT~~ writing may  
903 not be administered earlier than the week of March 1, and a  
904 comprehensive statewide assessment of any other subject may not  
905 be administered earlier than the week of April 15.

906 c. A statewide, standardized end-of-course assessment is  
907 administered at the end of the course. The commissioner shall  
908 select an administration period for assessments that meets the  
909 intent of end-of-course assessments and provides student results  
910 prior to the end of the course. School districts shall  
911 administer tests in accordance with the schedule determined by  
912 the commissioner. For an end-of-course assessment administered  
913 at the end of the first semester, the commissioner shall  
914 determine the most appropriate testing dates based on a review  
915 of each school district's academic calendar.

916  
917 The commissioner may, based on collaboration and input from  
918 school districts, design and implement student testing programs,  
919 for any grade level and subject area, necessary to effectively  
920 monitor educational achievement in the state, including the  
921 measurement of educational achievement of the Next Generation  
922 Sunshine State Standards for students with disabilities.  
923 Development and refinement of assessments shall include  
924 universal design principles and accessibility standards that  
925 will prevent any unintended obstacles for students with  
926 disabilities while ensuring the validity and reliability of the  
927 test. These principles should be applicable to all technology  
928 platforms and assistive devices available for the assessments.

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929 The field testing process and psychometric analyses for the  
930 statewide assessment program must include an appropriate  
931 percentage of students with disabilities and an evaluation or  
932 determination of the effect of test items on such students.

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

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

947 (c) Providing individualized instruction in the content  
948 knowledge and skills assessed, without suspending the school's  
949 regular program of curricula, for ~~a student who scores at Level~~  
950 ~~1 or Level 2 on a prior administration of the statewide~~  
951 ~~assessment~~ or a student who, through a diagnostic assessment  
952 administered by the school district, is identified as having a  
953 deficiency in the content knowledge and skills assessed.

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

957 (a) The statistical system for the annual assessments shall

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958 use measures of student learning, such as subject area  
959 assessments and end-of-course assessments ~~the FCAT~~, to determine  
960 teacher, school, and school district statistical distributions,  
961 which shall be determined using available data from the  
962 assessments ~~FCAT~~, and other data collection as deemed  
963 appropriate by the Department of Education, to measure the  
964 differences in student prior year achievement compared to the  
965 current year achievement for the purposes of accountability and  
966 recognition.

967 (9) APPLICABILITY OF TESTING STANDARDS.—

968 (b) A student must attain the passing scores ~~on the~~  
969 ~~statewide assessment required for a standard high school diploma~~  
970 ~~or~~ for high school course credits under sub-sub-subparagraphs  
971 (3)(c)2.a.(I) and (II) which are in effect at the time the  
972 student enters grade 9. If a student transfers into a high  
973 school, the school principal shall determine, in accordance with  
974 State Board of Education rule, whether the student must take an  
975 end-of-course assessment in a course for which the student has  
976 credit that was earned from the previous school.

977 (c) If the commissioner revises a statewide assessment and  
978 the revisions require the State Board of Education to modify the  
979 passing scores required for ~~a standard high school diploma or~~  
980 ~~for~~ high school course credits under sub-sub-subparagraphs  
981 (3)(c)2.a.(I) and (II), the commissioner may, with approval of  
982 the state board, discontinue administration of the former  
983 assessment upon the graduation, based on normal student  
984 progression, of students participating in the final regular  
985 administration of the former assessment. The state board shall  
986 adopt by rule passing scores for the revised assessment which

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987 are statistically equivalent to passing scores on the  
988 discontinued assessment for a student required under paragraph  
989 (b) to attain passing scores on the discontinued assessment.

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

991 ~~(a) The Commissioner of Education shall analyze the content~~  
992 ~~and concordant data sets for nationally recognized high school~~  
993 ~~achievement tests, including, but not limited to, the PSAT,~~  
994 ~~PLAN, SAT, ACT, and College Placement Test, to assess if~~  
995 ~~concordant scores for FCAT scores can be determined for high~~  
996 ~~school graduation. When content alignment and concordant scores~~  
997 ~~can be determined, the Commissioner of Education shall adopt~~  
998 ~~those scores as meeting the graduation requirement in lieu of~~  
999 ~~achieving the FCAT passing score and may adopt those scores as~~  
1000 ~~being sufficient to achieve additional purposes as determined by~~  
1001 ~~rule. Each time that test content or scoring procedures change~~  
1002 ~~for the FCAT or for a high school achievement test for which a~~  
1003 ~~concordant score is determined, new concordant scores must be~~  
1004 ~~determined.~~

1005 ~~(b) The State Board of Education may define by rule the~~  
1006 ~~allowable uses, other than to satisfy the high school graduation~~  
1007 ~~requirement, for concordant scores as described in this~~  
1008 ~~subsection. Such uses may include, but need not be limited to,~~  
1009 ~~achieving appropriate standardized test scores required for the~~  
1010 ~~awarding of Florida Bright Futures Scholarships and college~~  
1011 ~~placement.~~

1012 (10) ~~(11)~~ EQUIVALENT SCORES FOR END-OF-COURSE ASSESSMENTS.—

1013 (a) The Commissioner of Education shall analyze the content  
1014 and equivalent data sets for nationally recognized high school  
1015 achievement tests and industry certification tests under the

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1016 Industry Certification Funding List, pursuant to rules adopted  
1017 by the State Board of Education, including, but not limited to,  
1018 ~~grade 10 FCAT Mathematics retakes until such retakes are~~  
1019 ~~discontinued pursuant to subsection (9),~~ the PSAT, the PLAN, the  
1020 SAT, the ACT, and the College Placement Test, to assess if  
1021 equivalent scores for end-of-course assessment scores can be  
1022 determined for passage of an end-of-course assessment. When  
1023 content alignment and equivalent scores can be determined, the  
1024 Commissioner of Education shall adopt those scores as meeting  
1025 the requirement to pass the end-of-course assessment and as  
1026 being sufficient to achieve additional purposes as determined by  
1027 rule. Each time that assessment content or scoring procedures  
1028 change for an end-of-course assessment or for a high school  
1029 achievement test or an industry certification test under the  
1030 Industry Certification Funding List, pursuant to rules adopted  
1031 by the State Board of Education for which an equivalent score is  
1032 determined, new equivalent scores must be determined.

1033 (b) Use of an equivalent score adopted by the State Board  
1034 of Education under paragraph (a) for purposes of grade  
1035 adjustment, grade forgiveness, or course credit recovery is  
1036 contingent upon and subject to district school board rules.

1037 (11)~~(12)~~ REPORTS.—The Department of Education shall  
1038 annually provide a report to the Governor, the President of the  
1039 Senate, and the Speaker of the House of Representatives on the  
1040 following:

1041 (a) Longitudinal performance of students in mathematics and  
1042 reading.

1043 (b) Longitudinal performance of students by grade level in  
1044 mathematics and reading.

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1045 (c) Longitudinal performance regarding efforts to close the  
1046 achievement gap.

1047 (d) Other student performance data based on national norm-  
1048 referenced and criterion-referenced tests, when available, and  
1049 numbers of students who after 8th grade enroll in adult  
1050 education rather than other secondary education.

1051 (12)~~(13)~~ RULES.—The State Board of Education shall adopt  
1052 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
1053 provisions of this section.

1054 Section 10. Subsection (1), paragraph (b) of subsection  
1055 (2), subsections (3) and (4), paragraphs (b) and (c) of  
1056 subsection (5), paragraphs (b) and (c) of subsection (6),  
1057 paragraph (b) of subsection (7), and paragraphs (a) and (b) of  
1058 subsection (8) of section 1008.25, Florida Statutes, are amended  
1059 to read:

1060 1008.25 Public school student progression; remedial  
1061 instruction; reporting requirements.—

1062 (1) INTENT.—It is the intent of the Legislature that each  
1063 student's progression from one grade to another be determined,  
1064 in part, upon proficiency in language arts ~~reading, writing,~~  
1065 science, and mathematics; that district school board policies  
1066 facilitate such proficiency; and that each student and his or  
1067 her parent be informed of that student's academic progress.

1068 (2) COMPREHENSIVE PROGRAM.—Each district school board shall  
1069 establish a comprehensive program for student progression which  
1070 must include:

1071 (b) Specific levels of performance in language arts  
1072 ~~reading, writing,~~ science, and mathematics for each grade level,  
1073 including the levels of performance on statewide assessments as

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1074 defined by the commissioner, below which a student must receive  
1075 remediation or intervention services, or be retained within an  
1076 intensive program that is different from the previous year's  
1077 program and that takes into account the student's learning  
1078 style.

1079 (3) ALLOCATION OF RESOURCES.—District school boards shall  
1080 allocate remedial and supplemental instruction and intervention  
1081 resources to students in the following priority:

1082 (a) Students who are deficient in reading by the end of  
1083 grade 3.

1084 (b) Students who fail to meet performance levels required  
1085 for promotion consistent with the district school board's plan  
1086 for student progression required in paragraph (2) (b).

1087 (4) ASSESSMENT AND REMEDIATION.—

1088 (a) Each student must participate in the statewide  
1089 assessment program tests required by s. 1008.22. Each student  
1090 who does not meet specific levels of performance as determined  
1091 by the district school board in language arts ~~FCAT reading,~~  
1092 ~~writing,~~ science, and mathematics for each grade level, ~~or who~~  
1093 ~~scores below Level 3 in FCAT reading or FCAT mathematics,~~ must  
1094 be provided with additional diagnostic assessments to determine  
1095 the nature of the student's difficulty, the areas of academic  
1096 need, and strategies for appropriate intervention and  
1097 instruction as described in paragraph (b).

1098 (b) The school in which the student is enrolled must  
1099 develop, in consultation with the student's parent, and must  
1100 implement a progress monitoring plan. A progress monitoring plan  
1101 is intended to provide the school district and the school  
1102 flexibility in meeting the academic needs of the student and to

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1103 reduce paperwork. A student who is not meeting the school  
1104 district or state requirements for proficiency in reading and  
1105 math shall be covered by one of the following plans to target  
1106 instruction and identify ways to improve his or her academic  
1107 achievement:

1108       1. A federally required student plan such as an individual  
1109 education plan;

1110       2. A schoolwide system of progress monitoring for all  
1111 students; or

1112       3. An individualized progress monitoring plan.

1113

1114 The plan chosen must be designed to assist the student or the  
1115 school in meeting state and district expectations for  
1116 proficiency. If the student has been identified as having a  
1117 deficiency in reading, the K-12 comprehensive reading plan  
1118 required by s. 1011.62(9) shall include instructional and  
1119 support services to be provided to meet the desired levels of  
1120 performance. District school boards may require low-performing  
1121 students to attend remediation or intervention programs held  
1122 before or after regular school hours or during the summer if  
1123 transportation is provided.

1124       (c) Upon subsequent evaluation, if the documented  
1125 deficiency has not been remediated, the student may be retained.

1126 Each student who does not meet the minimum performance  
1127 expectations defined by the Commissioner of Education for the  
1128 statewide assessment tests in language arts ~~reading, writing,~~  
1129 science, and mathematics must continue to be provided with  
1130 remedial or supplemental instruction or intervention services  
1131 until the expectations are met or the student graduates from

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1132 high school or is not subject to compulsory school attendance.

1133 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

1134 (b) ~~Beginning with the 2002-2003 school year,~~ If the  
 1135 student's reading deficiency, as identified in paragraph (a), is  
 1136 not remedied by the end of grade 3, as demonstrated ~~by scoring~~  
 1137 ~~at Level 2 or higher~~ on the statewide subject area assessment  
 1138 ~~test~~ in reading for grade 3, the student may ~~must~~ be retained at  
 1139 the discretion of the principal after consultation with the  
 1140 student's teacher and parent.

1141 (c) The parent of any student who exhibits a substantial  
 1142 deficiency in reading, as described in paragraph (a), must be  
 1143 notified in writing of the following:

1144 1. That his or her child has been identified as having a  
 1145 substantial deficiency in reading.

1146 2. A description of the current services that are provided  
 1147 to the child.

1148 3. A description of the proposed supplemental instructional  
 1149 services and supports that will be provided to the child that  
 1150 are designed to remediate the identified area of reading  
 1151 deficiency.

1152 4. That if the child's reading deficiency is not remediated  
 1153 by the end of grade 3, the child may ~~must~~ be retained ~~unless he~~  
 1154 ~~or she is exempt from mandatory retention for good cause.~~

1155 5. Strategies for parents to use in helping their child  
 1156 succeed in reading proficiency.

1157 6. That the statewide subject area assessment ~~Florida~~  
 1158 ~~Comprehensive Assessment Test (FCAT)~~ is not the sole determiner  
 1159 of promotion and that additional evaluations, portfolio reviews,  
 1160 and assessments are available to the child to assist parents and

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1161 the school district in knowing when a child is reading at or  
1162 above grade level and ready for grade promotion.

1163 7. The district's specific criteria and policies for  
1164 midyear promotion. Midyear promotion means promotion of a  
1165 retained student at any time during the year of retention once  
1166 the student has demonstrated ability to read at grade level.

1167 (6) ELIMINATION OF SOCIAL PROMOTION.—

1168 (b) The district school board may promote students ~~only~~  
1169 ~~exempt students from mandatory retention~~, as provided in  
1170 paragraph (5) (b), for good cause. Students promoted for good  
1171 cause may include, but are not limited to, exemptions shall be  
1172 ~~limited to~~ the following:

1173 1. Limited English proficient students who have had less  
1174 than 2 years of instruction in an English for Speakers of Other  
1175 Languages program.

1176 2. Students with disabilities whose individual education  
1177 plan indicates that participation in the statewide assessment  
1178 program is not appropriate, consistent with the requirements of  
1179 State Board of Education rule.

1180 3. Students who demonstrate an acceptable level of  
1181 performance on an alternative standardized reading assessment  
1182 approved by the State Board of Education.

1183 4. Students who demonstrate, through a student portfolio,  
1184 that the student is reading on grade level as evidenced by  
1185 demonstration of mastery of the Next Generation Sunshine State  
1186 Standards in reading ~~equal to at least a Level 2 performance on~~  
1187 ~~the FCAT~~.

1188 5. Students with disabilities ~~who participate in the FCAT~~  
1189 ~~and~~ who have an individual education plan or a Section 504 plan

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1190 that reflects that the student has received intensive  
1191 remediation or intervention services in reading for more than 2  
1192 years but still demonstrates a deficiency in reading and was  
1193 previously retained in kindergarten, grade 1, grade 2, or grade  
1194 3.

1195 6. Students who have received intensive remediation or  
1196 intervention services in reading for 2 or more years but still  
1197 demonstrate a deficiency in reading and who were previously  
1198 retained in kindergarten, grade 1, grade 2, or grade 3 for a  
1199 total of 2 years. Intensive reading instruction or intervention  
1200 services for students so promoted must include an altered  
1201 instructional day that includes specialized diagnostic  
1202 information and specific reading strategies for each student.  
1203 The district school board shall assist schools and teachers to  
1204 implement reading strategies that research has shown to be  
1205 successful in improving reading among low-performing readers.

1206 (c) Promotions for good cause ~~Requests for good cause~~  
1207 ~~exemptions for students from the mandatory retention requirement~~  
1208 as described in subparagraphs (b)3. and 4. shall be made  
1209 consistent with the following:

1210 1. Documentation shall be submitted from the student's  
1211 teacher to the school principal that indicates that the  
1212 promotion of the student is appropriate and is based upon the  
1213 student's academic record. In order to minimize paperwork  
1214 requirements, such documentation shall consist only of the  
1215 existing progress monitoring plan, individual educational plan,  
1216 if applicable, report card, or student portfolio.

1217 2. The school principal shall review and discuss such  
1218 recommendation with the teacher and make the determination as to

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1219 whether the student should be promoted or retained. If the  
1220 school principal determines that the student should be promoted,  
1221 the school principal shall make such recommendation in writing  
1222 to the district school superintendent. The district school  
1223 superintendent shall accept or reject the school principal's  
1224 recommendation in writing.

1225 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

1226 (b) ~~Beginning with the 2004-2005 school year,~~ Each school  
1227 district shall:

1228 1. Conduct a review of student progress monitoring plans  
1229 for all students who ~~did not score above Level 1 on the reading~~  
1230 ~~portion of the FCAT and did not meet the criteria for a one of~~  
1231 ~~the good cause promotion exemptions~~ in paragraph (6) (b). The  
1232 review shall address additional supports and services, as  
1233 described in this subsection, needed to remediate the identified  
1234 areas of reading deficiency. The school district shall require a  
1235 student portfolio to be completed for each such student.

1236 2. Provide students who are retained under the provisions  
1237 of paragraph (5) (b) with intensive instructional services and  
1238 supports to remediate the identified areas of reading  
1239 deficiency, including a minimum of 90 minutes of daily,  
1240 uninterrupted, scientifically research-based reading instruction  
1241 and other strategies prescribed by the school district, which  
1242 may include, but are not limited to:

- 1243 a. Small group instruction.  
1244 b. Reduced teacher-student ratios.  
1245 c. More frequent progress monitoring.  
1246 d. Tutoring or mentoring.  
1247 e. Transition classes containing 3rd and 4th grade

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- 1248 students.
- 1249 f. Extended school day, week, or year.
- 1250 g. Summer reading camps.
- 1251 3. Provide written notification to the parent of any
- 1252 student who is retained under the provisions of paragraph (5) (b)
- 1253 that his or her child has not met the proficiency level required
- 1254 for promotion and the reasons the child is not eligible for a
- 1255 good cause promotion ~~exemption~~ as provided in paragraph (6) (b).
- 1256 The notification must comply with the provisions of s.
- 1257 1002.20(15) and must include a description of proposed
- 1258 interventions and supports that will be provided to the child to
- 1259 remediate the identified areas of reading deficiency.
- 1260 4. Implement a policy for the midyear promotion of any
- 1261 student retained under the provisions of paragraph (5) (b) who
- 1262 can demonstrate that he or she is a successful and independent
- 1263 reader, reading at or above grade level, and ready to be
- 1264 promoted to grade 4. Tools that school districts may use in
- 1265 reevaluating any student retained may include subsequent
- 1266 assessments, alternative assessments, and portfolio reviews, in
- 1267 accordance with rules of the State Board of Education. Students
- 1268 promoted during the school year after November 1 must
- 1269 demonstrate proficiency ~~above that required to score at Level 2~~
- 1270 ~~on the grade 3 FCAT~~, as determined by the State Board of
- 1271 Education. The State Board of Education shall adopt standards
- 1272 that provide a reasonable expectation that the student's
- 1273 progress is sufficient to master appropriate 4th grade level
- 1274 reading skills.
- 1275 5. Provide students who are retained under the provisions
- 1276 of paragraph (5) (b) with a high-performing teacher as determined

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1277 by student performance data and above-satisfactory performance  
1278 appraisals.

1279 6. In addition to required reading enhancement and  
1280 acceleration strategies, provide parents of students to be  
1281 retained with at least one of the following instructional  
1282 options:

1283 a. Supplemental tutoring in scientifically research-based  
1284 reading services in addition to the regular reading block,  
1285 including tutoring before and/or after school.

1286 b. A "Read at Home" plan outlined in a parental contract,  
1287 including participation in "Families Building Better Readers  
1288 Workshops" and regular parent-guided home reading.

1289 c. A mentor or tutor with specialized reading training.

1290 7. Establish a Reading Enhancement and Acceleration  
1291 Development (READ) Initiative. The focus of the READ Initiative  
1292 shall be to prevent the retention of grade 3 students and to  
1293 offer intensive accelerated reading instruction to grade 3  
1294 students who failed to meet standards for promotion to grade 4  
1295 and to each K-3 student who is assessed as exhibiting a reading  
1296 deficiency. The READ Initiative shall:

1297 a. Be provided to all K-3 students at risk of retention as  
1298 identified by the statewide assessment system used in Reading  
1299 First schools. The assessment must measure phonemic awareness,  
1300 phonics, fluency, vocabulary, and comprehension.

1301 b. Be provided during regular school hours in addition to  
1302 the regular reading instruction.

1303 c. Provide a state-identified reading curriculum that has  
1304 been reviewed by the Florida Center for Reading Research at  
1305 Florida State University and meets, at a minimum, the following

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1306 specifications:

1307 (I) Assists students assessed as exhibiting a reading  
1308 deficiency in developing the ability to read at grade level.

1309 (II) Provides skill development in phonemic awareness,  
1310 phonics, fluency, vocabulary, and comprehension.

1311 (III) Provides scientifically based and reliable  
1312 assessment.

1313 (IV) Provides initial and ongoing analysis of each  
1314 student's reading progress.

1315 (V) Is implemented during regular school hours.

1316 (VI) Provides a curriculum in core academic subjects to  
1317 assist the student in maintaining or meeting proficiency levels  
1318 for the appropriate grade in all academic subjects.

1319 8. Establish at each school, where applicable, an Intensive  
1320 Acceleration Class for retained grade 3 students ~~who~~  
1321 ~~subsequently score at Level 1 on the reading portion of the~~  
1322 ~~FCAT~~. The focus of the Intensive Acceleration Class shall be to  
1323 increase a child's reading level at least two grade levels in 1  
1324 school year. The Intensive Acceleration Class shall:

1325 a. Be provided to any student in grade 3 who does not meet  
1326 the proficiency level in reading required for promotion scores  
1327 ~~at Level 1 on the reading portion of the FCAT~~ and who was  
1328 retained in grade 3 the prior year because of inadequate  
1329 proficiency in reading scoring at Level 1 on the reading portion  
1330 ~~of the FCAT~~.

1331 b. Have a reduced teacher-student ratio.

1332 c. Provide uninterrupted reading instruction for the  
1333 majority of student contact time each day and incorporate  
1334 opportunities to master the grade 4 Next Generation Sunshine

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1335 State Standards in other core subject areas.

1336 d. Use a reading program that is scientifically research-  
1337 based and has proven results in accelerating student reading  
1338 achievement within the same school year.

1339 e. Provide intensive language and vocabulary instruction  
1340 using a scientifically research-based program, including use of  
1341 a speech-language therapist.

1342 f. Include weekly progress monitoring measures to ensure  
1343 progress is being made.

1344 g. Report to the Department of Education, in the manner  
1345 described by the department, the progress of students in the  
1346 class at the end of the first semester.

1347 9. Report to the State Board of Education, as requested, on  
1348 the specific intensive reading interventions and supports  
1349 implemented at the school district level. The Commissioner of  
1350 Education shall annually prescribe the required components of  
1351 requested reports.

1352 10. Provide a student who has been retained in grade 3 and  
1353 has received intensive instructional services but is still not  
1354 ready for grade promotion, as determined by the school district,  
1355 the option of being placed in a transitional instructional  
1356 setting. Such setting shall specifically be designed to produce  
1357 learning gains sufficient to meet grade 4 performance standards  
1358 while continuing to remediate the areas of reading deficiency.

1359 (8) ANNUAL REPORT.—

1360 (a) In addition to the requirements in paragraph (5) (b),  
1361 each district school board must annually report to the parent of  
1362 each student the progress of the student toward achieving state  
1363 and district expectations for proficiency in language arts

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1364 ~~reading, writing,~~ science, and mathematics. The district school  
1365 board must report to the parent the student's results on each  
1366 statewide assessment test. The evaluation of each student's  
1367 progress must be based upon the student's classroom work,  
1368 observations, tests, district and state assessments, and other  
1369 relevant information. Progress reporting must be provided to the  
1370 parent in writing in a format adopted by the district school  
1371 board.

1372 (b) Each district school board must annually publish in the  
1373 local newspaper, and report in writing to the State Board of  
1374 Education by September 1 of each year, the following information  
1375 on the prior school year:

1376 1. The provisions of this section relating to public school  
1377 student progression and the district school board's policies and  
1378 procedures on student retention and promotion.

1379 2. By grade, the number and percentage of all students in  
1380 grades 3 through 12 ~~10~~ performing below proficiency levels for  
1381 the grade on statewide subject area assessments and end-of-  
1382 course assessments in language arts, mathematics, and science ~~at~~  
1383 ~~Levels 1 and 2 on the reading portion of the FCAT.~~

1384 3. By grade, the number and percentage of all students  
1385 retained in grades 3 through 12 ~~10~~.

1386 4. Information on the total number of students who were  
1387 promoted for good cause, by each category of good cause as  
1388 specified in paragraph (6) (b).

1389 5. Any revisions to the district school board's policy on  
1390 student retention and promotion from the prior year.

1391 Section 11. Subsection (3) of section 1008.30, Florida  
1392 Statutes, is amended to read:

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1393 1008.30 Common placement testing for public postsecondary  
1394 education.—

1395 (3) The State Board of Education shall adopt rules that  
1396 require high schools to evaluate before the beginning of grade  
1397 12 the college readiness of each student who indicates an  
1398 interest in postsecondary education ~~scores at Level 2 or Level 3~~  
1399 ~~on the reading portion of the grade 10 FCAT or Level 2, Level 3,~~  
1400 ~~or Level 4 on the mathematics assessments under s.~~

1401 ~~1008.22(3)(c).~~ High schools shall perform this evaluation using  
1402 results from the corresponding component of the common placement  
1403 test prescribed in this section, or an equivalent test  
1404 identified by the State Board of Education. The State Board of  
1405 Education shall identify in rule the assessments necessary to  
1406 perform the evaluations required by this subsection and shall  
1407 work with the school districts to administer the assessments.  
1408 The State Board of Education shall establish by rule the minimum  
1409 test scores a student must achieve to demonstrate readiness.  
1410 Students who demonstrate readiness by achieving the minimum test  
1411 scores established by the state board and enroll in a Florida  
1412 College System institution within 2 years after ~~of~~ achieving  
1413 such scores shall not be required to retest or enroll in  
1414 remediation when admitted to any Florida College System  
1415 institution. The high school shall use the results of the test  
1416 to advise the students of any identified deficiencies and to  
1417 provide 12th grade students, and require them to complete,  
1418 appropriate postsecondary preparatory instruction prior to high  
1419 school graduation. The curriculum provided under this subsection  
1420 shall be identified in rule by the State Board of Education and  
1421 encompass Florida's Postsecondary Readiness Competencies. Other

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1422 elective courses may not be substituted for the selected  
1423 postsecondary reading, mathematics, or writing preparatory  
1424 course unless the elective course covers the same competencies  
1425 included in the postsecondary reading, mathematics, or writing  
1426 preparatory course.

1427 Section 12. Paragraphs (b) and (c) of subsection (3) and  
1428 subsection (4) of section 1008.34, Florida Statutes, are amended  
1429 to read:

1430 1008.34 School grading system; school report cards;  
1431 district grade.—

1432 (3) DESIGNATION OF SCHOOL GRADES.—

1433 (b)1. Beginning with the 2016-2017 school year for schools  
1434 comprised of any combination of grades 3 through 8, 25 percent  
1435 of the school grade shall be based on subject area assessment  
1436 scores or end-of-course assessment scores in core and noncore  
1437 subjects administered under s. 1008.22, as applicable, and the  
1438 remaining 75 percent on the following factors:

1439 a. Student achievement scores, including achievement scores  
1440 for students seeking a special diploma;

1441 b. Student learning gains as measured by annual subject  
1442 area assessments in grades 3 through 5 or end-of-course  
1443 assessments in grades 6 through 8 and learning gains for  
1444 students seeking a special diploma as measured by alternate  
1445 assessment tools, if necessary;

1446 c. Improvement of the lowest 25th percentile of students in  
1447 the school on subject area assessments in grades 3 through 5 or  
1448 end-of-course assessments in grades 6 through 8, unless these  
1449 students are exhibiting satisfactory performance;

1450 d. The overall academic performance of the students in the

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1451 school based on grade point average, student portfolios,  
1452 readiness for grade promotion, and, if determined by the State  
1453 Board of Education, other measurable indicators of student  
1454 progress;

1455 e. The growth or decline in the components listed in sub-  
1456 subparagraphs a.-d. from year to year; and

1457 f. The school's use of technology and innovative practices.

1458 ~~A school's grade shall be based on a combination of:~~

1459 ~~a. Student achievement scores, including achievement on all~~  
1460 ~~FCAT assessments administered under s. 1008.22(3)(c)1., end-of-~~  
1461 ~~course assessments administered under s. 1008.22(3)(c)2.a., and~~  
1462 ~~achievement scores for students seeking a special diploma.~~

1463 ~~b. Student learning gains in reading and mathematics as~~  
1464 ~~measured by FCAT and end-of-course assessments, as described in~~  
1465 ~~s. 1008.22(3)(c)1. and 2.a. Learning gains for students seeking~~  
1466 ~~a special diploma, as measured by an alternate assessment tool,~~  
1467 ~~shall be included not later than the 2009-2010 school year.~~

1468 ~~e. Improvement of the lowest 25th percentile of students in~~  
1469 ~~the school in reading and mathematics on the FCAT or end-of-~~  
1470 ~~course assessments described in s. 1008.22(3)(c)2.a., unless~~  
1471 ~~these students are exhibiting satisfactory performance.~~

1472 2. Beginning with the 2011-2012 school year, for schools  
1473 comprised of middle school grades 6 through 8 or grades 7 and 8,  
1474 the school's grade shall include the performance and  
1475 participation of its students enrolled in high school level  
1476 courses with end-of-course assessments administered under s.  
1477 1008.22(3)(c)2.a. Performance and participation must be weighted  
1478 equally. As valid data becomes available, the school grades  
1479 shall include the students' attainment of national industry

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1480 certification identified in the Industry Certification Funding  
1481 List pursuant to rules adopted by the State Board of Education.

1482 3. Beginning with the 2016-2017 ~~2009-2010~~ school year for  
1483 schools comprised of high school grades 9, 10, 11, and 12, or  
1484 grades 10, 11, and 12:

1485 a. Fifty, ~~50~~ percent of the school grade shall be based on  
1486 a combination of the following factors:

1487 (I) Student achievement scores, including achievement  
1488 scores for students seeking a special diploma;

1489 (II) Student learning gains as measured by end-of-course  
1490 assessments and learning gains for students seeking a special  
1491 diploma as measured by alternate assessment tools, if necessary;  
1492 and

1493 (III) Improvement of the lowest 25th percentile of students  
1494 in the school on end-of-course assessments, unless these  
1495 students are exhibiting satisfactory performance. ~~listed in sub-~~  
1496 subparagraphs 1.a.-c. and

1497 b. The remaining 50 percent of the school grade shall be  
1498 based on the following factors:

1499 (I)~~a.~~ The high school graduation rate of the school;

1500 (II)~~b.~~ As valid data becomes available, the performance and  
1501 participation of the school's students in College Board Advanced  
1502 Placement courses, International Baccalaureate courses, dual  
1503 enrollment courses, and Advanced International Certificate of  
1504 Education courses; and the students' achievement of national  
1505 industry certification identified in the Industry Certification  
1506 Funding List, pursuant to rules adopted by the State Board of  
1507 Education;

1508 (III)~~e.~~ Postsecondary readiness of the school's students as

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1509 measured by the SAT, ACT, or the common placement test;

1510 (IV)~~d.~~ The high school graduation rate of at-risk students  
1511 who did not meet proficiency levels scored at Level 2 or lower  
1512 on the grade 8 end-of-course assessments in language arts,  
1513 mathematics, and science ~~FCAT Reading and Mathematics~~  
1514 ~~examinations;~~

1515 (V)~~e.~~ ~~As valid data becomes available,~~ The performance of  
1516 the school's students on statewide standardized end-of-course  
1517 assessments administered under s. 1008.22(3)(c)2.c. and d.; and

1518 (VI)~~f.~~ The growth or decline in the components listed in  
1519 sub-sub-paragraphs (I)-(V) ~~sub-subparagraphs a.-e.~~ from year  
1520 to year.

1521 (c) Student assessment data used in determining school  
1522 grades shall include:

1523 1. The aggregate scores of all eligible students enrolled  
1524 in the school who have been assessed on ~~the FCAT and~~ statewide,  
1525 standardized end-of-course assessments in courses required for  
1526 high school graduation, including, beginning with the 2010-2011  
1527 school year, the end-of-course assessment in Algebra I; and  
1528 beginning with the 2011-2012 school year, the end-of-course  
1529 assessments in geometry and Biology; and beginning with the  
1530 2013-2014 school year, on the statewide, standardized end-of-  
1531 course assessment in civics education at the middle school  
1532 level.

1533 2. The aggregate scores of all eligible students enrolled  
1534 in the school who have been assessed on ~~the FCAT and~~ end-of-  
1535 course assessments as described in s. 1008.22(3)(c)2.a., and who  
1536 have scored at or in the lowest 25th percentile of students in  
1537 the school ~~in reading and mathematics,~~ unless these students are

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1538 exhibiting satisfactory performance.

1539         3. The achievement scores and learning gains of eligible  
1540 students attending alternative schools that provide dropout  
1541 prevention and academic intervention services pursuant to s.  
1542 1003.53. The term "eligible students" in this subparagraph does  
1543 not include students attending an alternative school who are  
1544 subject to district school board policies for expulsion for  
1545 repeated or serious offenses, who are in dropout retrieval  
1546 programs serving students who have officially been designated as  
1547 dropouts, or who are in programs operated or contracted by the  
1548 Department of Juvenile Justice. The student performance data for  
1549 eligible students identified in this subparagraph shall be  
1550 included in the calculation of the home school's grade. As used  
1551 in this subparagraph and s. 1008.341, the term "home school"  
1552 means the school to which the student would be assigned if the  
1553 student were not assigned to an alternative school. If an  
1554 alternative school chooses to be graded under this section,  
1555 student performance data for eligible students identified in  
1556 this subparagraph shall not be included in the home school's  
1557 grade but shall be included only in the calculation of the  
1558 alternative school's grade. ~~A school district that fails to~~  
1559 ~~assign the FCAT and end-of-course assessment as described in s.~~  
1560 ~~1008.22(3)(c)2.a. scores of each of its students to his or her~~  
1561 ~~home school or to the alternative school that receives a grade~~  
1562 ~~shall forfeit Florida School Recognition Program funds for 1~~  
1563 ~~fiscal year.~~ School districts must require collaboration between  
1564 the home school and the alternative school in order to promote  
1565 student success. This collaboration must include an annual  
1566 discussion between the principal of the alternative school and

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1567 the principal of each student's home school concerning the most  
1568 appropriate school assignment of the student.

1569 4. The achievement scores and learning gains of students  
1570 designated as hospital- or homebound. Student assessment data  
1571 for students designated as hospital- or homebound shall be  
1572 assigned to their home school for the purposes of school grades.  
1573 As used in this subparagraph, the term "home school" means the  
1574 school to which a student would be assigned if the student were  
1575 not assigned to a hospital- or homebound program.

1576 5. Beginning with the 2016-2017 school year for schools  
1577 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
1578 11, and 12, the data listed in subparagraphs 1.-3. and the  
1579 following data as the Department of Education determines such  
1580 data are valid and available:

1581 a. The high school graduation rate of the school as  
1582 calculated by the Department of Education;

1583 b. The participation rate of all eligible students enrolled  
1584 in the school and enrolled in College Board Advanced Placement  
1585 courses; International Baccalaureate courses; dual enrollment  
1586 courses; Advanced International Certificate of Education  
1587 courses; and courses or sequences of courses leading to national  
1588 industry certification identified in the Industry Certification  
1589 Funding List, pursuant to rules adopted by the State Board of  
1590 Education;

1591 c. The aggregate scores of all eligible students enrolled  
1592 in the school in College Board Advanced Placement courses,  
1593 International Baccalaureate courses, and Advanced International  
1594 Certificate of Education courses;

1595 d. Earning of college credit by all eligible students

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1596 enrolled in the school in dual enrollment programs under s.  
1597 1007.271;

1598 e. Earning of a national industry certification identified  
1599 in the Industry Certification Funding List, pursuant to rules  
1600 adopted by the State Board of Education;

1601 f. The aggregate scores of all eligible students enrolled  
1602 in the school in reading, mathematics, and other subjects as  
1603 measured by the SAT, the ACT, and the common placement test for  
1604 postsecondary readiness;

1605 g. The high school graduation rate of all eligible at-risk  
1606 students enrolled in the school who did not meet proficiency  
1607 levels ~~scored at Level 2 or lower~~ on the grade 8 end-of-course  
1608 assessments in language arts, mathematics, and science ~~FCAT~~  
1609 ~~Reading and Mathematics examinations~~;

1610 h. The performance of the school's students on statewide  
1611 standardized end-of-course assessments administered under s.  
1612 1008.22(3)(c)2.c. and d.; and

1613 i. The growth or decline in the data components listed in  
1614 sub-subparagraphs a.-h. from year to year.

1615

1616 The State Board of Education shall adopt appropriate criteria  
1617 for each school grade. The criteria must also give added weight  
1618 to student achievement in language arts ~~reading~~. Schools  
1619 designated with a grade of "C," making satisfactory progress,  
1620 shall be required to demonstrate that adequate progress has been  
1621 made by students in the school who are in the lowest 25th  
1622 percentile on subject area assessments or end-of-course  
1623 assessments in language arts ~~reading and mathematics on the FCAT~~  
1624 and on end-of-course assessments as described in s.

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1625 1008.22(3)(c)2.a., unless these students are exhibiting  
1626 satisfactory performance. Beginning with the 2016-2017 ~~2009-2010~~  
1627 school year for schools comprised of high school grades 9, 10,  
1628 11, and 12, or grades 10, 11, and 12, the criteria for school  
1629 grades must also give added weight to the graduation rate of all  
1630 eligible at-risk students, as defined in this paragraph.  
1631 Beginning in the 2016-2017 ~~2009-2010~~ school year, in order for a  
1632 high school to be designated as having a grade of "A," making  
1633 excellent progress, the school must demonstrate that at-risk  
1634 students, as defined in this paragraph, in the school are making  
1635 adequate progress.

1636 (4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall  
1637 identify each school's performance as having improved, remained  
1638 the same, or declined. This school improvement rating shall be  
1639 based on a comparison of the current year's and previous year's  
1640 student and school performance data. ~~Schools that improve at  
1641 least one grade level are eligible for school recognition awards  
1642 pursuant to s. 1008.36.~~

1643 Section 13. Subsections (2) and (3) of section 1008.341,  
1644 Florida Statutes, are amended to read:

1645 1008.341 School improvement rating for alternative  
1646 schools.—

1647 (2) SCHOOL IMPROVEMENT RATING.—An alternative school that  
1648 provides dropout prevention and academic intervention services  
1649 pursuant to s. 1003.53 shall receive a school improvement rating  
1650 pursuant to this section. However, an alternative school shall  
1651 not receive a school improvement rating if the number of its  
1652 students for whom student performance data is available for the  
1653 current year and previous year is less than the minimum sample

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1654 size necessary, based on accepted professional practice, for  
1655 statistical reliability and prevention of the unlawful release  
1656 of personally identifiable student data under s. 1002.22 or 20  
1657 U.S.C. s. 1232g. The school improvement rating shall identify an  
1658 alternative school as having one of the following ratings  
1659 defined according to rules of the State Board of Education:

1660 (a) "Improving" means the students attending the school are  
1661 making more academic progress than when the students were served  
1662 in their home schools.

1663 (b) "Maintaining" means the students attending the school  
1664 are making progress equivalent to the progress made when the  
1665 students were served in their home schools.

1666 (c) "Declining" means the students attending the school are  
1667 making less academic progress than when the students were served  
1668 in their home schools.

1669  
1670 The school improvement rating shall be based on a comparison of  
1671 student performance data for the current year and previous year.  
1672 ~~Schools that improve at least one level or maintain an~~  
1673 ~~"improving" rating pursuant to this section are eligible for~~  
1674 ~~school recognition awards pursuant to s. 1008.36.~~

1675 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data  
1676 used in determining an alternative school's school improvement  
1677 rating shall include:

1678 (a) The aggregate scores on statewide assessments  
1679 administered under s. 1008.22 for all eligible students who were  
1680 assigned to and enrolled in the school during the October or  
1681 February FTE count ~~and who have FCAT or comparable scores for~~  
1682 ~~the preceding school year.~~

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1683           (b) The overall academic performance of all eligible  
1684 students in grades 3 through 12 based on grade point average,  
1685 student portfolios, readiness for grade promotion, readiness for  
1686 postsecondary education and careers, and, if determined by the  
1687 State Board of Education, other measurable indicators of student  
1688 progress. ~~The aggregate scores on statewide assessments~~  
1689 ~~administered under s. 1008.22 for all eligible students who were~~  
1690 ~~assigned to and enrolled in the school during the October or~~  
1691 ~~February FTE count and who have scored in the lowest 25th~~  
1692 ~~percentile of students in the state on FCAT Reading.~~

1693  
1694 The assessment scores of students who are subject to district  
1695 school board policies for expulsion for repeated or serious  
1696 offenses, who are in dropout retrieval programs serving students  
1697 who have officially been designated as dropouts, or who are in  
1698 programs operated or contracted by the Department of Juvenile  
1699 Justice may not be included in an alternative school's school  
1700 improvement rating.

1701           Section 14. Section 1008.36, Florida Statutes, is amended  
1702 to read:

1703           1008.36 Every Child Matters Program ~~Florida School~~  
1704 ~~Recognition Program.~~

1705           (1) The Legislature finds that in order to provide every  
1706 student enrolled in K-12 public schools with the opportunity to  
1707 achieve a successful public education, academic problems must be  
1708 identified early, with remediation and intervention services to  
1709 follow ~~there is a need for a performance incentive program for~~  
1710 ~~outstanding faculty and staff in highly productive schools. The~~  
1711 ~~Legislature further finds that performance-based incentives are~~

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1712 ~~commonplace in the private sector and should be infused into the~~  
1713 ~~public sector as a reward for productivity.~~

1714 (2) The Every Child Matters Program Florida School  
1715 Recognition Program is created to provide ~~financial awards to~~  
1716 ~~public schools that:~~

1717 (a) A curriculum-based, year-round measurement of academic  
1718 performance for all public school students enrolled in  
1719 kindergarten through grade 12. Sustain high performance by  
1720 ~~receiving a school grade of "A," making excellent progress; or~~

1721 (b) Remediation and intervention services to all public  
1722 school students enrolled in kindergarten through grade 12 who  
1723 are not meeting grade-level performance expectations.  
1724 ~~Demonstrate exemplary improvement due to innovation and effort~~  
1725 ~~by improving at least one letter grade or by improving more than~~  
1726 ~~one letter grade and sustaining the improvement the following~~  
1727 ~~school year.~~

1728 (3) All public schools, including charter schools, ~~that~~  
1729 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to  
1730 participate in the program.

1731 (4) All ~~selected~~ schools shall receive financial assistance  
1732 ~~awards~~ depending on the availability of funds appropriated ~~and~~  
1733 ~~the number and size of schools selected to receive an award.~~  
1734 Funds must be distributed to the school's fiscal agent and  
1735 placed in the school's account and must be used for purposes  
1736 listed in subsection (5) as determined jointly by the school's  
1737 staff and school advisory council. ~~If school staff and the~~  
1738 ~~school advisory council cannot reach agreement by February 1,~~  
1739 ~~the awards must be equally distributed to all classroom teachers~~  
1740 ~~currently teaching in the school. If a school selected to~~

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1741 ~~receive a school recognition award is no longer in existence at~~  
1742 ~~the time the award is paid, the district school superintendent~~  
1743 ~~shall distribute the funds to teachers who taught at the school~~  
1744 ~~in the previous year in the form of a bonus.~~

1745 (5) Every Child Matters Program funds School recognition  
1746 awards must be used for the following:

1747 (a) Administration of a regular formative assessment  
1748 approved by the State Board of Education ~~Nonrecurring bonuses to~~  
1749 ~~the faculty and staff;~~

1750 (b) Nonrecurring expenditures for remediation of low-  
1751 performing students, including remediation programs and  
1752 intervention services adopted and administered by the Department  
1753 of Education;

1754 ~~(c)-(b)~~ Nonrecurring expenditures for educational equipment  
1755 or materials to assist in the remediation of low-performing  
1756 students; maintaining and improving student performance; or

1757 ~~(d)-(e)~~ Temporary personnel for the school to assist in the  
1758 remediation of low-performing students; maintaining and  
1759 improving student performance.

1760 (e) Contracts with private sector participants to provide  
1761 remediation services if 90 percent of the personnel providing  
1762 services reside in the state and the contracts include  
1763 requirements to ensure that the private sector participants are  
1764 accountable for performance; or

1765 (f) Transportation of students under a school district's  
1766 controlled open enrollment plan pursuant to s. 1002.31.

1767 (6) The Department of Education shall provide training and  
1768 informational resources for educators to administer the  
1769 formative assessment pursuant to paragraph (5) (a) and shall be

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1770 responsible for developing and implementing provisions for the  
1771 collection and analysis of the assessment data.

1772 (7) The Department of Education shall establish policies  
1773 and procedures for the development of individual education plans  
1774 for low-performing students who receive remediation and  
1775 intervention services pursuant to this section.

1776  
1777 ~~Notwithstanding statutory provisions to the contrary, incentive~~  
1778 ~~awards are not subject to collective bargaining.~~

1779 Section 15. Paragraph (b) of subsection (1) of section  
1780 1009.531, Florida Statutes, is amended to read:

1781 1009.531 Florida Bright Futures Scholarship Program;  
1782 student eligibility requirements for initial awards.—

1783 (1) Effective January 1, 2008, in order to be eligible for  
1784 an initial award from any of the three types of scholarships  
1785 under the Florida Bright Futures Scholarship Program, a student  
1786 must:

1787 (b) Earn a standard Florida high school diploma or its  
1788 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,  
1789 or s. 1003.435 unless:

1790 1. The student completes a home education program according  
1791 to s. 1002.41; or

1792 2. The student earns a high school diploma from a non-  
1793 Florida school while living with a parent or guardian who is on  
1794 military or public service assignment away from Florida.

1795 Section 16. Paragraph (d) of subsection (7) and paragraph  
1796 (c) of subsection (9) of section 1011.62, Florida Statutes, are  
1797 amended to read:

1798 1011.62 Funds for operation of schools.—If the annual

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1799 allocation from the Florida Education Finance Program to each  
1800 district for operation of schools is not determined in the  
1801 annual appropriations act or the substantive bill implementing  
1802 the annual appropriations act, it shall be determined as  
1803 follows:

1804 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1805 (d) Each district's allocation of sparsity supplement funds  
1806 shall be adjusted in the following manner:

1807 1. A maximum discretionary levy per FTE value for each  
1808 district shall be calculated by dividing the value of each  
1809 district's maximum discretionary levy by its FTE student count.

1810 2. A state average discretionary levy value per FTE shall  
1811 be calculated by dividing the total maximum discretionary levy  
1812 value for all districts by the state total FTE student count.

1813 3. A total potential funds per FTE for each district shall  
1814 be calculated by dividing the total potential funds, not  
1815 including Every Child Matters Program ~~Florida School Recognition~~  
1816 ~~Program~~ funds and the minimum guarantee funds, for each district  
1817 by its FTE student count.

1818 4. A state average total potential funds per FTE shall be  
1819 calculated by dividing the total potential funds, not including  
1820 Every Child Matters Program ~~Florida School Recognition Program~~  
1821 funds and the minimum guarantee funds, for all districts by the  
1822 state total FTE student count.

1823 5. For districts that have a levy value per FTE as  
1824 calculated in subparagraph 1. higher than the state average  
1825 calculated in subparagraph 2., a sparsity wealth adjustment  
1826 shall be calculated as the product of the difference between the  
1827 state average levy value per FTE calculated in subparagraph 2.

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1828 and the district's levy value per FTE calculated in subparagraph  
1829 1. and the district's FTE student count and -1. However, no  
1830 district shall have a sparsity wealth adjustment that, when  
1831 applied to the total potential funds calculated in subparagraph  
1832 3., would cause the district's total potential funds per FTE to  
1833 be less than the state average calculated in subparagraph 4.

1834 6. Each district's sparsity supplement allocation shall be  
1835 calculated by adding the amount calculated as specified in  
1836 paragraphs (a) and (b) and the wealth adjustment amount  
1837 calculated in this paragraph.

1838 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

1839 (c) Funds allocated under this subsection must be used to  
1840 provide a system of comprehensive reading instruction to  
1841 students enrolled in the K-12 programs, which may include the  
1842 following:

1843 1. The provision of highly qualified reading coaches.

1844 2. Professional development for school district teachers in  
1845 scientifically based reading instruction, including strategies  
1846 to teach reading in content areas and with an emphasis on  
1847 technical and informational text.

1848 3. The provision of summer reading camps for students who  
1849 are reading below grade level ~~score at Level 1 on FCAT Reading.~~

1850 4. The provision of supplemental instructional materials  
1851 that are grounded in scientifically based reading research.

1852 5. The provision of intensive interventions for middle and  
1853 high school students reading below grade level.

1854 Section 17. Paragraph (b) of subsection (1) of section  
1855 1012.22, Florida Statutes, is amended to read:

1856 1012.22 Public school personnel; powers and duties of the

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1857 district school board.—The district school board shall:

1858 (1) Designate positions to be filled, prescribe  
1859 qualifications for those positions, and provide for the  
1860 appointment, compensation, promotion, suspension, and dismissal  
1861 of employees as follows, subject to the requirements of this  
1862 chapter:

1863 (b) *Time to act on nominations.*—The district school board  
1864 shall act not later than 3 weeks following the receipt of ~~FCAT~~  
1865 ~~scores and data, including~~ school grades, or June 30, whichever  
1866 is later, on the district school superintendent's nominations of  
1867 supervisors, principals, and members of the instructional staff.

1868 Section 18. Effective July 1, 2012, paragraph (d) is added  
1869 to subsection (1) of section 1012.335, Florida Statutes, and  
1870 subsection (2) of that section is amended, to read:

1871 1012.335 Contracts with instructional personnel hired on or  
1872 after July 1, 2011.—

1873 (1) DEFINITIONS.—As used in this section, the term:

1874 (d) "Professional performance contract" means an employment  
1875 contract for instructional personnel for a period of 3 school  
1876 years, which may be renewed for additional 1-year periods if the  
1877 employee has not received two consecutive annual performance  
1878 evaluation ratings of unsatisfactory, two annual performance  
1879 evaluation ratings of unsatisfactory within a 3-year period, or  
1880 three annual performance evaluation ratings of needs improvement  
1881 within a 5-year period under s. 1012.34.

1882 (2) EMPLOYMENT.—

1883 (a) Beginning July 1, 2012 ~~2011~~, each individual newly  
1884 hired as instructional personnel by the district school board  
1885 shall be awarded a probationary contract. Upon successful

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1886 completion of the probationary contract, the district school  
1887 board may award an annual contract pursuant to paragraph (c).

1888 (b) Beginning July 1, 2012 ~~2011~~, an annual contract may be  
1889 awarded pursuant to paragraph (c) for instructional personnel  
1890 who have successfully completed a probationary contract with the  
1891 district school board ~~and have received one or more annual~~  
1892 ~~contracts from the district school board.~~

1893 (c) Beginning July 1, 2012, an annual contract may be  
1894 awarded only if the employee:

1895 1. Holds an active professional certificate or temporary  
1896 certificate issued pursuant to s. 1012.56 and rules of the State  
1897 Board of Education.

1898 2. Has been recommended by the district school  
1899 superintendent for the annual contract based upon the  
1900 individual's evaluation under s. 1012.34 and approved by the  
1901 district school board.

1902 ~~3. Has not received two consecutive annual performance~~  
1903 ~~evaluation ratings of unsatisfactory, two annual performance~~  
1904 ~~evaluation ratings of unsatisfactory within a 3-year period, or~~  
1905 ~~three consecutive annual performance evaluation ratings of needs~~  
1906 ~~improvement or a combination of needs improvement and~~  
1907 ~~unsatisfactory under s. 1012.34.~~

1908 (d) Beginning July 1, 2012, instructional personnel  
1909 eligible for a recommendation of annual contract renewal by the  
1910 district school superintendent based upon the employee's  
1911 performance evaluation rating of highly effective or effective  
1912 shall be granted an annual contract unless a charge of just  
1913 cause, as provided in subsection (5), is brought based upon a  
1914 pattern of ineffective teaching or performance by the employee

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1915 under s. 1012.34. If the district school superintendent's  
1916 recommendation for annual contract renewal is denied by the  
1917 district school board, notwithstanding fiscal constraints, the  
1918 district school board shall provide the employee a written  
1919 explanation detailing the rationale for the nonrenewal.

1920 (e) Beginning July 1, 2012, upon completion of no less than  
1921 3 years of employment in the same school district within a 5-  
1922 year period, except for leave duly authorized and granted,  
1923 instructional personnel recommended for additional employment  
1924 shall be awarded a professional performance contract.

1925 Instructional personnel may be required to serve a 4th year of  
1926 employment before becoming eligible to receive a professional  
1927 performance contract when determined by the district school  
1928 board for good reason.

1929 1. A professional performance contract may be offered by a  
1930 district school board to instructional personnel only if the  
1931 employee:

1932 a. Holds an active professional certificate or temporary  
1933 certificate issued pursuant to s. 1012.56 and rules of the State  
1934 Board of Education.

1935 b. Has been recommended by the district school  
1936 superintendent for further employment and approved by the  
1937 district school board based upon successful performance of  
1938 duties and demonstration of professional competence under s.  
1939 1012.34.

1940 c. Has not received two consecutive annual performance  
1941 evaluation ratings of unsatisfactory, two annual performance  
1942 evaluation ratings of unsatisfactory within a 3-year period, or  
1943 three annual performance evaluation ratings of needs improvement

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1944 within a 5-year period under s. 1012.34.

1945 2. A district school board may issue a professional  
1946 performance contract after July 1, 2012, to any instructional  
1947 personnel staff member who has previously held a professional  
1948 performance contract, a professional service contract, or a  
1949 continuing contract in the same or another school district  
1950 within the state. Any instructional personnel staff member who  
1951 holds a professional service contract or a continuing contract  
1952 may, but is not required to, exchange such contract for a  
1953 professional performance contract in the same district.

1954 3. If a professional performance contract is not renewed by  
1955 the district school board based on an individual's performance  
1956 of duties and demonstration of professional competence under s.  
1957 1012.34, upon the recommendation of the district school  
1958 superintendent and the approval of the district school board,  
1959 the individual may be offered up to three additional annual  
1960 contracts or may not be offered an additional contract. At the  
1961 time of making such recommendation to the district school board,  
1962 the district school superintendent shall state the performance-  
1963 based reason for his or her recommendation and the district  
1964 school board shall take final action on such recommendation.

1965 Section 19. Effective August 1, 2015, section 1012.988,  
1966 Florida Statutes, is created to read:

1967 1012.988 Professional development to support the statewide  
1968 student assessment program and the performance of personnel.-

1969 (1) Each school district shall develop a professional  
1970 development program to:

1971 (a) Train instructional personnel, school administrators,  
1972 and other educational personnel in the use of subject area

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1973 assessments, end-of-course assessments, and diagnostic  
1974 assessments.

1975 (b) Assist instructional personnel who are employed on a  
1976 probationary contract, pursuant to s. 1012.335, to improve their  
1977 professional skills and performance and promote student learning  
1978 growth.

1979 (c) Assist instructional and administrative personnel whose  
1980 performance evaluation results in a rating of needs improvement,  
1981 developing, or unsatisfactory, pursuant to s. 1012.34, to  
1982 correct performance deficiencies. The program shall include, but  
1983 is not limited to, mentoring by high-performing personnel, peer  
1984 support, and peer review. Personnel with a rating of needs  
1985 improvement, developing, or unsatisfactory who participate in  
1986 the professional development program shall be reevaluated  
1987 according to the evaluation procedures and criteria in s.  
1988 1012.34 after completion of the program.

1989 (2) The Department of Education shall disseminate to the  
1990 school districts research-based professional development methods  
1991 and inservice activities designed to support and strengthen the  
1992 role of educators in meeting the requirements of the statewide  
1993 student assessment program, to improve the professional skills  
1994 and performance of instructional and administrative personnel,  
1995 and to enhance the learning gains of all students.

1996 (3) Each school district's professional development program  
1997 must be submitted to the department for review and approval.

1998 (4) Each school district shall implement the professional  
1999 development program beginning with the 2016-2017 school year.

2000 Section 20. (1) Effective upon this act becoming a law, the  
2001 Commissioner of Education shall appoint a public school

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2002 assessment and accountability alignment committee to develop:

2003 (a) Standards for a revised statewide student assessment  
2004 program under s. 1008.22, Florida Statutes, consisting of  
2005 subject area assessments for students in grades 3 through 5,  
2006 subject area assessments and end-of-course assessments in core  
2007 and noncore subject areas for students in grades 6 through 12,  
2008 and diagnostic assessments for students in grades 6, 8, and 10.

2009 (b) Procedures for transitioning elementary schools from  
2010 the use of the Florida Comprehensive Assessment Test (FCAT) to  
2011 the use of subject area assessments and procedures for  
2012 transitioning middle schools and high schools from the use of  
2013 the FCAT to the use of subject area assessments and end-of-  
2014 course assessments.

2015 (c) Standards for revised formulas for determining school  
2016 grades and school improvement ratings under ss. 1008.34 and  
2017 1008.341, Florida Statutes.

2018 (2) The committee shall align the components of the revised  
2019 statewide student assessment program to best prepare students to  
2020 progress from one grade to the next and to postsecondary  
2021 education or careers after high school.

2022 (3) To ensure that the alignment committee represents a  
2023 cross-section of education stakeholders, it shall be composed of  
2024 individuals from:

2025 (a) The education community, including, but not limited to,  
2026 teachers and administrators representing elementary, secondary,  
2027 and higher education.

2028 (b) Education associations, including, but not limited to,  
2029 associations for teachers, school administrators, and district  
2030 school boards.

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- 2031       (c) State government and local government.
- 2032       (d) The business community.
- 2033       (e) Independent education researchers or experts.
- 2034       (4) Members of the alignment committee shall serve without  
2035 compensation but may be reimbursed for per diem and travel  
2036 expenses in accordance with s. 112.061, Florida Statutes.
- 2037       (5) The alignment committee may conduct public hearings  
2038 around the state to obtain public input for the development of a  
2039 revised statewide student assessment program and formulas for  
2040 determining school grades and school improvement ratings.
- 2041       (6) (a) By August 1, 2013, the alignment committee shall  
2042 begin work on the following:
- 2043           1. Developing new subject area assessments for students in  
2044 grades 3 through 5, subject area assessments and end-of-course  
2045 assessments for students in grades 6 through 12, and diagnostic  
2046 assessments for students in grades 6, 8, and 10.
- 2047           2. Transitioning to a revised method for determining school  
2048 grades and school improvement ratings based on factors that  
2049 include subject area assessments, end-of-course assessments,  
2050 overall student academic performance, and a school's use of  
2051 technology and innovative practices.
- 2052       (b) By August 1, 2015, the State Board of Education shall  
2053 adopt rules pursuant to ss. 120.536(1) and 120.54, Florida  
2054 Statutes, to implement the revised statewide student assessment  
2055 program and school grading system as part of the state's public  
2056 school assessment and accountability system beginning with the  
2057 2016-2017 school year.
- 2058       (7) The alignment committee shall expire upon completion of  
2059 its activities but no later than August 1, 2015.

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2060           Section 21. Except as otherwise expressly provided in this  
2061 act and except for this section, which shall take effect upon  
2062 this act becoming a law, this act shall take effect July 1,  
2063 2012.