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# **PreK-12 Policy Committee**

**Wednesday, February 17, 2010**

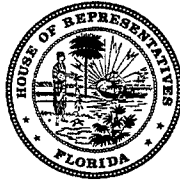
**8:30 a.m.**

**Morris Hall**

## **Meeting Packet**

**Larry Cretul  
Speaker**

**John Legg  
Chair**



# **The Florida House of Representatives**

**Education Policy Council  
PreK-12 Policy Committee**

**Larry Cretul  
Speaker**

**John Legg  
Chair**

**Meeting Agenda  
Wednesday, February 17, 2010  
8:30 a.m.  
Morris Hall**

- I. Call to Order/Roll Call**
- II. Consideration of the following bills:**
  - **HB 45 by Renuart -- Use of Prescribed Pancreatic Enzyme Supplements**
  - **HB 521 by Proctor -- Interstate Compact on Educational Opportunity for Military Children**
  - **PCB PT 10-01 -- Public School Assessments**
- III. Closing Comments/Adjournment**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 45 Use of Prescribed Pancreatic Enzyme Supplements  
SPONSOR(S): Renuart  
TIED BILLS: IDEN./SIM. BILLS: SB 166

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Policy Committee		Duncan <i>add</i>	Ahearn <i>add</i>
2) Health Care Regulation Policy Committee			
3) Education Policy Council			
4)			
5)			

SUMMARY ANALYSIS

House Bill 45 authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities. Parents of students authorized to use a prescribed pancreatic enzyme supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the prescribed pancreatic enzyme supplements. The State Board of Education, in cooperation with the Department of Health, is granted rule-making authority.

This bill does not appear to have a fiscal impact on state or local government revenues or expenditures.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background:**

##### *Administering Medication in Schools*

Current law authorizes school personnel to assist students in the administration of prescription medication when the school personnel designated by the principal have been trained by a registered nurse, licensed practical nurse, physician, or physician's assistant.<sup>1</sup> The district school board must adopt policies and procedures governing the administration of prescription medication by school personnel. Included in the policies and procedures must be a requirement that, for each prescribed medication, parents provide to the principal a written statement granting the principal or the principal's designee permission to assist in administering their child's medication. Parents must also explain why the medication is necessary during the school day, including any occasion when the student is away from school grounds on official business.<sup>2</sup>

Any prescribed medication that is to be administered by school personnel must be received, counted, and stored in its original container. When the medication is not in use, it must be stored in a secured fashion under lock and key in a location designated by the school principal.<sup>3</sup>

There is no liability for civil damages as a result of the administration of the medication when the designated person acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.<sup>4</sup>

##### *Asthmatic and Severely Allergic Students*

Under current law, asthmatic students are permitted to carry a metered dose inhaler while in school. The parent and physician must provide their approval and a copy of the approval must be provided to the principal.<sup>5</sup>

A severely allergic student is authorized to carry and self-administer epinephrine by auto-injector while

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<sup>1</sup> s. 1006.062(1)(a), F.S.

<sup>2</sup> s. 1006.062(1)(b), F.S.

<sup>3</sup> s. 1006.062(1)(b)2., F.S.

<sup>4</sup> s. 1006.062(2), F.S.

<sup>5</sup> s. 1002.20(3)(h), F.S.

in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been authorized by the student's parent and physician. The parent must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of an epinephrine auto-injector.<sup>6</sup>

### *Cystic Fibrosis*

Cystic Fibrosis (CF) is a chronic, inherited disease that affects the lungs and digestive system. To treat CF, oral pancreatic enzyme medication is taken with all meals and snacks that contain fat, protein, and/or complex carbohydrates. Children with CF need a high-calorie, high-protein diet and enzymes in order to gain weight and grow. Most children with CF have been taking pancreatic enzymes since infancy and can take them on their own.<sup>7</sup>

### **Effect of Proposed Changes:**

The bill authorizes K-12 students at risk for pancreatic insufficiency or who have been diagnosed as having cystic fibrosis to use a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, if the school has been provided with parental and prescribing practitioner approval.

The State Board of Education (SBE), in cooperation with the Department of Health (DOH), is granted rule-making authority. The rules adopted must include provisions to protect the safety of all students from the misuse or abuse of the supplements.

The parents of students authorized to use a prescribed pancreatic enzyme supplement must indemnify the school district, county health department, public-private partner, and their employees and volunteers from any and all liability related to the use of the prescribed pancreatic enzyme supplements.

### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.20(3), F.S., adding new language authorizing certain students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the SBE, in cooperation with the DOH, to adopt rules for such use; and providing for indemnification from any and all liability of school districts, county health departments, and others by the parents of students.

**Section 2.** Provides an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

This bill does not appear to have a fiscal impact on state government revenues.

#### **2. Expenditures:**

This bill does not appear to have a fiscal impact on state government expenditures.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

This bill does not appear to have a fiscal impact on local government revenues.

<sup>6</sup> s.1002.20(3)(i), F.S.

<sup>7</sup> <http://www.cff.org/LivingWithCF/AtSchool/SchoolEnzymes/>, Cystic Fibrosis Foundation, Nutrition: Schools, Enzymes, and Sports For the Child with Cystic Fibrosis, Education Committee, 2002.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The SBE, in cooperation with the DOH, is granted rule-making authority to adopt rules for the use of prescribed pancreatic enzyme supplements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The indemnity provision does not prohibit a person from filing a lawsuit. This provision merely provides that the school district, county health department, public-private partner, and their employees or volunteers may recover from the parent of the student authorized to carry the prescribed pancreatic enzyme supplements.

DOE comment:

There is some question of whether the proposal, which creates a statutory right, is necessary given the authority to administer medication under s. 1006.062. Further, there is a potential for liability on the district's or school's part, given that immunity is limited in scope to the student's use.<sup>8</sup>

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

1                   A bill to be entitled  
 2           An act relating to the use of prescribed pancreatic enzyme  
 3           supplements; amending s. 1002.20, F.S.; authorizing  
 4           certain K-12 students to use prescribed pancreatic enzyme  
 5           supplements under certain circumstances; requiring the  
 6           State Board of Education to adopt rules; providing for  
 7           indemnification; providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11           Section 1. Paragraph (j) is added to subsection (3) of  
 12           section 1002.20, Florida Statutes, to read:

13           1002.20 K-12 student and parent rights.--Parents of public  
 14           school students must receive accurate and timely information  
 15           regarding their child's academic progress and must be informed  
 16           of ways they can help their child to succeed in school. K-12  
 17           students and their parents are afforded numerous statutory  
 18           rights including, but not limited to, the following:

19           (3) HEALTH ISSUES.--

20           (j) Use of prescribed pancreatic enzyme supplements.--A  
 21           student who has experienced or is at risk for pancreatic  
 22           insufficiency or who has been diagnosed as having cystic  
 23           fibrosis may carry and self-administer a prescribed pancreatic  
 24           enzyme supplement while in school, participating in school-  
 25           sponsored activities, or in transit to or from school or school-  
 26           sponsored activities if the school has been provided with  
 27           authorization from the student's parent and prescribing  
 28           practitioner. The State Board of Education, in cooperation with



29 the Department of Health, shall adopt rules for the use of  
 30 prescribed pancreatic enzyme supplements which shall include  
 31 provisions to protect the safety of all students from the misuse  
 32 or abuse of the supplements. A school district, county health  
 33 department, public-private partner, and their employees and  
 34 volunteers shall be indemnified by the parent of a student  
 35 authorized to use prescribed pancreatic enzyme supplements for  
 36 any and all liability with respect to the student's use of the  
 37 supplements under this paragraph.

38           Section 2. This act shall take effect July 1, 2010.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 521  
SPONSOR(S): Proctor  
TIED BILLS:

Interstate Compact on Educational Opportunity for Military Children

IDEN./SIM. BILLS: SB 1060

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Policy Committee		Beagle GB	Ahearn JM
2) Military & Local Affairs Policy Committee			
3) Education Policy Council			
4)			
5)			

SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 26 states are members of the compact.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission is comprised of one voting representative, or Compact Commissioner (Commissioner), from each member state. The Commission may adopt and enforce compact rules which govern member states in the areas addressed by the compact. The compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact.

Florida's compact legislation was enacted prior to the promulgation of compact rules by the Commission. The legislation included a repeal provision which requires automatic repeal of the compact two years after its effective date, which is July 9, 2010. The Legislature can save the compact from repeal by reenacting the compact prior to the repeal date. The repeal provision allows the Legislature to evaluate the newly promulgated compact rules and reevaluate Florida's continued participation in the compact.

House Bill 521 reenacts Florida's compact legislation and repeals the automatic repeal provision in the original compact legislation. The bill adds a new provision automatically repealing the compact legislation three years after the bill takes effect.

The current compact authorizes the Commission to close meetings under specified circumstances, seal closed meeting records, and adopt bylaws governing disclosure of Commission records. These provisions, as applied to Florida's Commissioner, conflict with provisions in the Florida Constitution which require that public access be granted to governmental records and meetings. House Bill 521 removes these provisions from Florida's compact statute.

The bill will have an insignificant fiscal impact on state government. The bill does not appear to have a fiscal impact on local governments. (See Fiscal Comments).

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

Children in active-duty military families face unique educational challenges. The average military child transfers to a different school district six to nine times during grades kindergarten through twelve. When a parent is reassigned, military children may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- The need to appoint temporary guardians while the child's parent is deployed.<sup>1</sup>

In 2008, the Florida Legislature enacted the Interstate Compact on Educational Opportunity for Military Children.<sup>2</sup> The compact was developed by the Council of State Governments (CSG), in cooperation with the U.S. Department of Defense. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation for children of active-duty military families.<sup>3</sup>

The compact takes effect upon enactment by nine other states.<sup>4</sup> Delaware became the tenth state to adopt the compact on July 9, 2008.<sup>5</sup> Currently, 26 states are members of the compact.<sup>6</sup>

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<sup>1</sup> Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit* (January 2008) available at <http://www.csg.org/programs/ncic/documents/RESOURCEKIT-January2008final.pdf>.

<sup>2</sup> Sections 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

<sup>3</sup> Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); § 1000.36, F.S.; See Council of State Governments *supra* note 1.

<sup>4</sup> Section 6, ch. 2008-225, L.O.F.

<sup>5</sup> 76 Del. Laws 327 (2008).

<sup>6</sup> Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Texas, Virginia, and Washington. Council of State Governments, *State-by-State Status Chart* (June 9, 2009) available at <http://www.csg.org/knowledgecenter/docs/ncic/DODState-by-statechart9-22-09.pdf>. California's Governor signed Assembly Bill 343,

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission may adopt and enforce bylaws and compact rules and perform various administrative functions necessary to day-to-day operations.<sup>7</sup> The Commission is comprised of one voting representative, or Compact Commissioner (Commissioner), from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.<sup>8</sup> The Commission must meet at least once per year.<sup>9</sup>

### **Compact Rule Adoption**

The Commission is authorized to promulgate compact rules which govern member states in the areas addressed by the compact. Compact rules have the force and effect of statutory law in compact member states.<sup>10</sup> Compact rules supersede conflicting member state laws to the extent of the conflict.<sup>11</sup> Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.<sup>12</sup>

At the time the compact was enacted in 2008, the compact rules had not yet been promulgated. Because the compact rules would have the force and effect of statutory law and would supersede conflicting member state laws, concerns were raised regarding unconstitutional delegation of legislative authority under Article II, § 3, of the Florida Constitution.<sup>13</sup> To address these concerns, Florida's compact legislation includes a repeal provision which requires automatic repeal of the compact two years after its effective date, which is July 9, 2010.<sup>14</sup> The Legislature can save the compact from automatic repeal if, prior to the repeal date, the Legislature reviews and reenacts the compact. This allows the Legislature time to evaluate the promulgated rules, and reevaluate the compact provisions, to determine if the state still agrees with the compact provisions and concurs with the compact rules. If the Legislature reenacts the compact as is, or makes modifications to the compact (agreed upon by CSG) and then reenacts it, this independent, later-in time action by the legislative body in support of the rules and the compact nullifies the concerns that a non-legislative entity (i.e., the Commission) has in effect legislated Florida law. (See Constitutional Issues).

The Commission unanimously adopted the compact rules in November 2009.<sup>15</sup> The compact rules appear to be within the scope of authority granted by the compact. In most cases, the compact rule and authorizing compact provision are identical. In some cases, the compact rule provides additional details to better guide member states. Most obligations under the compact may be achieved within policies already established in Florida Statutes and State Board of Education rules.

### **Public Records and Meetings**

The compact authorizes the Commission to adopt bylaws governing disclosure of Commission records in order to protect personal privacy and proprietary interests.<sup>16</sup> The Commission adopted one bylaw exempting from disclosure Commission audit work papers and internal account records.<sup>17</sup>

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the state's compact legislation, on Oct. 11, 2009. This is currently not reflected on the state-by-state status chart provided by CSG. See Cal. Educ. Code § 49701 (West 2009).

<sup>7</sup> Article X, of the Compact, § 1000.36, F.S.

<sup>8</sup> Article IX, § B. of the Compact, § 1000.36, F.S.

<sup>9</sup> Article IX, § D. of the Compact, § 1000.36, F.S.

<sup>10</sup> Article X, § B. of the Compact, § 1000.36, F.S.

<sup>11</sup> Article XVIII, § B. of the Compact, § 1000.36, F.S.

<sup>12</sup> Article XII of the Compact, § 1000.36, F.S.

<sup>13</sup> Article II, § 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. See *Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

<sup>14</sup> Section 5, ch. 2008-225, L.O.F.

<sup>15</sup> Telephone interview with Compact Coordinator, Council of State Governments (December 9, 2009).

<sup>16</sup> Article IX, § F. of the Compact, § 1000.36, F.S.

<sup>17</sup> Article VIII, § 3. of the Interstate Commission Bylaws.

Commission meetings must be noticed and open to the public. The compact authorizes the Commission to close meetings in order to prevent disclosure of:

- Personnel matters;
- Matters exempt from disclosure under state and federal law;
- Trade secrets or commercial or financial information;
- Personal privacy information;
- Law enforcement investigations;
- The formal censure or criminal accusation of a person by the Commission; or
- Information regarding the Commission's participation in litigation.

A two-thirds vote of the Commissioners is required to close a meeting.<sup>18</sup> The Commission is required to seal all records considered in a closed meeting. Sealed records of closed meetings may only be released by majority vote of the Commission.<sup>19</sup>

The compact holds ineffective any compact provision which conflicts with a member state's constitution, to the extent of the conflict.<sup>20</sup> Compact provisions which authorize the Commission to close meetings and exempt records from disclosure conflict with Article I, § 24 of the Florida Constitution, which requires that public access be granted to governmental records and meetings.<sup>21</sup> Accordingly, these compact provisions are not effective with respect to Florida's Commissioner.<sup>22</sup> Florida's Commissioner must comply with Florida's public records and meetings laws regardless of what the compact and Commission bylaws provide regarding Commission records and meetings.<sup>23</sup> Florida's Commissioner must not participate in a closed Commission meeting.<sup>24</sup> Commission records, if held by Florida's Commissioner, are public records subject to disclosure, unless a public records exemption exists in the Florida Statutes for that record.<sup>25</sup>

Public records and meetings experts were consulted and they recommended the removal of the public records and meetings provisions from Florida's compact statute.<sup>26</sup> Proposed legislation removing the compact's public records and meetings provisions was presented to CSG staff for review; they agreed that these provisions should be removed from Florida's compact statute.<sup>27</sup>

### **Effect of Proposed Changes**

House Bill 521 reenacts Florida's compact legislation and eliminates the existing repeal provision. The bill adds a new automatic repeal provision effective three years after the bill becomes effective.

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<sup>18</sup> Article IX, § G. of the Compact, § 1000.36, F.S. The Commission has also adopted a bylaw which is identical to the compact provision. Article VI, § 1. of the Interstate Commission Bylaws.

<sup>19</sup> Article IX, § H. of the Compact, § 1000.36, F.S.

<sup>20</sup> Article XVIII, § E. of the Compact, § 1000.36, F.S.

<sup>21</sup> Article I, § 24 of the Florida Constitution. *See also* §§ 286.011(1) & (2), 119.01(1), & 119.011(12), F.S. In an informal opinion, the Florida Attorney General states that Florida's Sunshine Laws are applicable to Florida officials who transact business pursuant to an interstate compact. Op. Att'y Gen. Fla. Informal (1998)(regarding the Appalachian-Chattahoochee-Flint River Basin Compact, § 373.71, F.S.).

<sup>22</sup> Email from General Counsel, Council of State Governments (Dec. 7, 2009, 2:02 PM EST).

<sup>23</sup> Article I, § 24 of the Florida Constitution; § 119.011(2), F.S.; § 286.011(1), F.S. In the event a member state's Commissioner is unable to attend a meeting, the compact authorizes states to delegate voting authority to another person. Article IX, § B., § 1000.36, F.S.

<sup>24</sup> *See* Section 286.011(3), F.S.

<sup>25</sup> Generally, public records exemptions must be narrowly tailored to the specific agency and type of record to be exempted. Article I, § 24(c) of the Florida Constitution; *Krischer v. D'Amato*, 674 So. 2d 909, 911 (Fla. 4th D.C.A. 1996).

<sup>26</sup> Email from Florida House of Representatives Governmental Affairs Policy Committee Staff (Nov. 12, 2009, 1:08 PM EST); Telephone interview with Office of Open Government staff, Executive Office of the Governor (September 25, 2009). The Florida House of Representatives Governmental Affairs Policy Committee is the House committee in which legislation with public records and meetings issues is most commonly considered. The Governor established the Office of Open Government within the Executive Office of the Governor in December 2006.

<sup>27</sup> Email from General Counsel, Council of State Governments (Dec. 7, 2009, 2:02 PM EST).

The bill removes compact provisions authorizing the Commission to close meetings, seal closed meeting records, and adopt bylaws exempting records from disclosure.

**B. SECTION DIRECTORY:**

**Section 1.:** Repealing s. 5, ch. 2008-225, L.O.F., which provides for automatic repeal of the original compact legislation.

**Section 2.:** Amending s. 1000.36, F.S.; repealing provisions relating to the disclosure of records and the closure of meetings by the Interstate Commission on Educational Opportunity for Military Children.

**Section 3.:** Providing for repeal of ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., the "Interstate Compact on Educational Opportunity for Military Children," three years after the effective date of the bill unless reviewed and reenacted by the Legislature.

**Section 4.:** Providing that the bill takes effect upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The bill does not appear to have a fiscal impact on state revenues.

**2. Expenditures:**

The bill will have an insignificant fiscal impact on state expenditures. (See Fiscal Comments).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

The bill does not appear to have a fiscal impact on local government revenues.

**2. Expenditures:**

The bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill does not appear to have a direct economic impact on the private sector.

**D. FISCAL COMMENTS:**

The compact requires the Commission to levy membership dues from each member state to finance Commission operations and staffing.<sup>28</sup> At the November 2009 annual meeting, the Commission adopted a rule which establishes a dues formula based upon \$1 per dependent child of active-duty military personnel residing in a member state.<sup>29</sup> According to the Department of Education (DOE), there are 33,304 children of active-duty military personnel living in Florida.<sup>30</sup>

At the September 15, 2009, meeting of the State Board of Education, the DOE submitted a Legislative Budget Request for \$66,604 to fund annual compact membership dues. The request specifies that \$33,302 will be used to reimburse fees paid for 2009-2010 membership dues and the remainder will

<sup>28</sup> Article XIV of the Compact, § 1000.36, F.S.

<sup>29</sup> Section 2.102, Interstate Commission Rules.

<sup>30</sup> Florida Department of Education, *2010-2011 Operating Legislative Budget Request*, 208 (Sept. 2009) available at [http://www.fldoe.org/board/meetings/2009\\_09\\_15/2010-11OperatingLegislativeBudgetRequest.pdf](http://www.fldoe.org/board/meetings/2009_09_15/2010-11OperatingLegislativeBudgetRequest.pdf).

fund dues for 2010-2011.<sup>31</sup> As of January 21, 2010, both year's membership dues are still outstanding.<sup>32</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

The Florida Supreme Court has held that it is an unconstitutional delegation of legislative authority for the Legislature to prospectively adopt rules not yet promulgated by federal administrative bodies.<sup>33</sup> There does not appear to be any binding Florida case law that squarely addresses this issue in the context of interstate compacts.<sup>34</sup> An argument could be made that the prospective adoption of rules not yet promulgated by the Commission is analogous to existing precedent regarding federal administrative rules.

To address concerns regarding unconstitutional delegation of legislative authority, the bill provides for automatic repeal of Florida's compact legislation three years after the bill takes effect, unless reenacted by the Legislature. This will allow the Legislature to evaluate any new compact rules or compact rule amendments which are adopted during this time. The Legislature may then consider reenactment of the compact. This avoids an argument that an unlawful delegation has been made because reenactment of the compact occurs after rule adoption.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

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<sup>31</sup> *Id.*

<sup>32</sup> Email from Compact Coordinator, Council of State Governments (Jan. 20, 2010, 1:52 PM EST).

<sup>33</sup> *Freimuth v. State*, 272 So.2d 473, 476 (Fla. 1972); *Fla. Indus. Commission v. State ex rel. Orange State Oil Co.*, 21 So.2d 599, 603 (Fla. 1945).

<sup>34</sup> A First District Court of Appeals opinion construing the provisions of the Interstate Compact on the Placement of Children mentions this issue but the court did not rule on the merits. *Department of Children and Family Services v. L.G.*, 801 So.2d 1047, 1052 (Fla. 1st DCA 2001).



1                                   A bill to be entitled  
 2           An act relating to the Interstate Compact on Educational  
 3           Opportunity for Military Children; repealing s. 5 of ch.  
 4           2008-225, Laws of Florida; abrogating the future repeal of  
 5           ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., relating  
 6           to the compact; amending s. 1000.36, F.S.; deleting  
 7           provisions relating to the disclosure of information and  
 8           records and the closure of meetings by the Interstate  
 9           Commission on Educational Opportunity for Military  
 10          Children; providing for future legislative review and  
 11          repeal of the compact; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Section 5 of chapter 2008-225, Laws of Florida,  
 16 is repealed.

17           Section 2. Section 1000.36, Florida Statutes, is amended  
 18 to read:

19           1000.36 Interstate Compact on Educational Opportunity for  
 20 Military Children.—The Governor is authorized and directed to  
 21 execute the Interstate Compact on Educational Opportunity for  
 22 Military Children on behalf of this state with any other state  
 23 or states legally joining therein in the form substantially as  
 24 follows:

25                                   Interstate Compact on Educational  
 26                                   Opportunity for Military Children

27                                   ARTICLE I

28           PURPOSE.—It is the purpose of this compact to remove

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 barriers to educational success imposed on children of military  
 30 families because of frequent moves and deployment of their  
 31 parents by:

32 A. Facilitating the timely enrollment of children of  
 33 military families and ensuring that they are not placed at a  
 34 disadvantage due to difficulty in the transfer of education  
 35 records from the previous school district or variations in  
 36 entrance or age requirements.

37 B. Facilitating the student placement process through  
 38 which children of military families are not disadvantaged by  
 39 variations in attendance requirements, scheduling, sequencing,  
 40 grading, course content, or assessment.

41 C. Facilitating the qualification and eligibility for  
 42 enrollment, educational programs, and participation in  
 43 extracurricular academic, athletic, and social activities.

44 D. Facilitating the on-time graduation of children of  
 45 military families.

46 E. Providing for the adoption and enforcement of  
 47 administrative rules implementing this compact.

48 F. Providing for the uniform collection and sharing of  
 49 information between and among member states, schools, and  
 50 military families under this compact.

51 G. Promoting coordination between this compact and other  
 52 compacts affecting military children.

53 H. Promoting flexibility and cooperation between the  
 54 educational system, parents, and the student in order to achieve  
 55 educational success for the student.

56 ARTICLE II

57 DEFINITIONS.—As used in this compact, unless the context  
 58 clearly requires a different construction, the term:

59 A. "Active duty" means the full-time duty status in the  
 60 active uniformed service of the United States, including members  
 61 of the National Guard and Reserve on active duty orders pursuant  
 62 to 10 U.S.C. ss. 1209 and 1211.

63 B. "Children of military families" means school-aged  
 64 children, enrolled in kindergarten through 12th grade, in the  
 65 household of an active-duty member.

66 C. "Compact commissioner" means the voting representative  
 67 of each compacting state appointed under Article VIII of this  
 68 compact.

69 D. "Deployment" means the period 1 month before the  
 70 service members' departure from their home station on military  
 71 orders through 6 months after return to their home station.

72 E. "Educational records" or "education records" means  
 73 those official records, files, and data directly related to a  
 74 student and maintained by the school or local education agency,  
 75 including, but not limited to, records encompassing all the  
 76 material kept in the student's cumulative folder such as general  
 77 identifying data, records of attendance and of academic work  
 78 completed, records of achievement and results of evaluative  
 79 tests, health data, disciplinary status, test protocols, and  
 80 individualized education programs.

81 F. "Extracurricular activities" means a voluntary activity  
 82 sponsored by the school or local education agency or an  
 83 organization sanctioned by the local education agency.  
 84 Extracurricular activities include, but are not limited to,

85 preparation for and involvement in public performances,  
 86 contests, athletic competitions, demonstrations, displays, and  
 87 club activities.

88 G. "Interstate Commission on Educational Opportunity for  
 89 Military Children" means the commission that is created under  
 90 Article IX of this compact, which is generally referred to as  
 91 the Interstate Commission.

92 H. "Local education agency" means a public authority  
 93 legally constituted by the state as an administrative agency to  
 94 provide control of, and direction for, kindergarten through 12th  
 95 grade public educational institutions.

96 I. "Member state" means a state that has enacted this  
 97 compact.

98 J. "Military installation" means a base, camp, post,  
 99 station, yard, center, homeport facility for any ship, or other  
 100 activity under the jurisdiction of the Department of Defense,  
 101 including any leased facility, which is located within any of  
 102 the several states, the District of Columbia, the Commonwealth  
 103 of Puerto Rico, the United States Virgin Islands, Guam, American  
 104 Samoa, the Northern Marianas Islands, and any other United  
 105 States Territory. The term does not include any facility used  
 106 primarily for civil works, rivers and harbors projects, or flood  
 107 control projects.

108 K. "Nonmember state" means a state that has not enacted  
 109 this compact.

110 L. "Receiving state" means the state to which a child of a  
 111 military family is sent, brought, or caused to be sent or  
 112 brought.

113 M. "Rule" means a written statement by the Interstate  
 114 Commission adopted under Article XII of this compact which is of  
 115 general applicability, implements, interprets, or prescribes a  
 116 policy or provision of the compact, or an organizational,  
 117 procedural, or practice requirement of the Interstate  
 118 Commission, and has the force and effect of statutory law in a  
 119 member state, and includes the amendment, repeal, or suspension  
 120 of an existing rule.

121 N. "Sending state" means the state from which a child of a  
 122 military family is sent, brought, or caused to be sent or  
 123 brought.

124 O. "State" means a state of the United States, the  
 125 District of Columbia, the Commonwealth of Puerto Rico, the  
 126 United States Virgin Islands, Guam, American Samoa, the Northern  
 127 Marianas Islands, and any other United States Territory.

128 P. "Student" means the child of a military family for whom  
 129 the local education agency receives public funding and who is  
 130 formally enrolled in kindergarten through 12th grade.

131 Q. "Transition" means:

132 1. The formal and physical process of transferring from  
 133 school to school; or

134 2. The period of time in which a student moves from one  
 135 school in the sending state to another school in the receiving  
 136 state.

137 R. "Uniformed services" means the Army, Navy, Air Force,  
 138 Marine Corps, Coast Guard as well as the Commissioned Corps of  
 139 the National Oceanic and Atmospheric Administration, and Public  
 140 Health Services.

141 S. "Veteran" means a person who served in the uniformed  
 142 services and who was discharged or released therefrom under  
 143 conditions other than dishonorable.

144 ARTICLE III

145 APPLICABILITY.—

146 A. Except as otherwise provided in Section C, this compact  
 147 applies to the children of:

148 1. Active duty members of the uniformed services,  
 149 including members of the National Guard and Reserve on active-  
 150 duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;

151 2. Members or veterans of the uniformed services who are  
 152 severely injured and medically discharged or retired for a  
 153 period of 1 year after medical discharge or retirement; and

154 3. Members of the uniformed services who die on active  
 155 duty or as a result of injuries sustained on active duty for a  
 156 period of 1 year after death.

157 B. This interstate compact applies to local education  
 158 agencies.

159 C. This compact does not apply to the children of:

160 1. Inactive members of the National Guard and military  
 161 reserves;

162 2. Members of the uniformed services now retired, except  
 163 as provided in Section A;

164 3. Veterans of the uniformed services, except as provided  
 165 in Section A; and

166 4. Other United States Department of Defense personnel and  
 167 other federal agency civilian and contract employees not defined  
 168 as active-duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT.—

A. If a child's official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, that school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of the request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules adopted by the Interstate Commission.

C. Compact states must give 30 days from the date of enrollment or within such time as is reasonably determined under the rules adopted by the Interstate Commission for students to obtain any immunization required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Students shall be allowed to continue their enrollment

197 at grade level in the receiving state commensurate with their  
 198 grade level, including kindergarten, from a local education  
 199 agency in the sending state at the time of transition,  
 200 regardless of age. A student who has satisfactorily completed  
 201 the prerequisite grade level in the local education agency in  
 202 the sending state is eligible for enrollment in the next highest  
 203 grade level in the receiving state, regardless of age. A student  
 204 transferring after the start of the school year in the receiving  
 205 state shall enter the school in the receiving state on their  
 206 validated level from an accredited school in the sending state.

207 ARTICLE V

208 PLACEMENT AND ATTENDANCE.—

209 A. If a student transfers before or during the school  
 210 year, the receiving state school shall initially honor placement  
 211 of the student in educational courses based on the student's  
 212 enrollment in the sending state school or educational  
 213 assessments conducted at the school in the sending state if the  
 214 courses are offered. Course placement includes, but is not  
 215 limited to, Honors, International Baccalaureate, Advanced  
 216 Placement, vocational, technical, and career pathways courses.  
 217 Continuing the student's academic program from the previous  
 218 school and promoting placement in academically and career  
 219 challenging courses should be paramount when considering  
 220 placement. A school in the receiving state is not precluded from  
 221 performing subsequent evaluations to ensure appropriate  
 222 placement and continued enrollment of the student in the  
 223 courses.

224 B. The receiving state school must initially honor



225 placement of the student in educational programs based on  
 226 current educational assessments conducted at the school in the  
 227 sending state or participation or placement in like programs in  
 228 the sending state. Such programs include, but are not limited  
 229 to:

- 230 1. Gifted and talented programs; and
- 231 2. English as a second language (ESL).

232 A school in the receiving state is not precluded from performing  
 233 subsequent evaluations to ensure appropriate placement and  
 234 continued enrollment of the student in the courses.

235 C. A receiving state must initially provide comparable  
 236 services to a student with disabilities based on his or her  
 237 current individualized education program (IEP) in compliance  
 238 with the requirements of the Individuals with Disabilities  
 239 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving  
 240 state must make reasonable accommodations and modifications to  
 241 address the needs of incoming students with disabilities,  
 242 subject to an existing section 504 or title II plan, to provide  
 243 the student with equal access to education, in compliance with  
 244 the provisions of Section 504 of the Rehabilitation Act, 29  
 245 U.S.C.A. s. 794, and with title II of the Americans with  
 246 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the  
 247 receiving state is not precluded from performing subsequent  
 248 evaluations to ensure appropriate placement and continued  
 249 enrollment of the student in the courses.

250 D. Local education agency administrative officials may  
 251 waive course or program prerequisites, or other preconditions  
 252 for placement in courses or programs offered under the

253 jurisdiction of the local education agency.

254 E. A student whose parent or legal guardian is an active-  
 255 duty member of the uniformed services and has been called to  
 256 duty for, is on leave from, or immediately returned from  
 257 deployment to, a combat zone or combat support posting shall be  
 258 granted additional excused absences at the discretion of the  
 259 local education agency superintendent to visit with his or her  
 260 parent or legal guardian relative to such leave or deployment of  
 261 the parent or guardian.

262 ARTICLE VI

263 ELIGIBILITY.—

264 A. When considering the eligibility of a child for  
 265 enrolling in a school:

266 1. A special power of attorney relative to the  
 267 guardianship of a child of a military family and executed under  
 268 applicable law is sufficient for the purposes of enrolling the  
 269 child in school and for all other actions requiring parental  
 270 participation and consent.

271 2. A local education agency is prohibited from charging  
 272 local tuition to a transitioning military child placed in the  
 273 care of a noncustodial parent or other person standing in loco  
 274 parentis who lives in a school's jurisdiction different from  
 275 that of the custodial parent.

276 3. A transitioning military child, placed in the care of a  
 277 noncustodial parent or other person standing in loco parentis  
 278 who lives in a school's jurisdiction different from that of the  
 279 custodial parent, may continue to attend the school in which he  
 280 or she was enrolled while residing with the custodial parent.

281 B. State and local education agencies must facilitate the  
 282 opportunity for transitioning military children's inclusion in  
 283 extracurricular activities, regardless of application deadlines,  
 284 to the extent they are otherwise qualified.

285 ARTICLE VII

286 GRADUATION.—In order to facilitate the on-time graduation  
 287 of children of military families, states and local education  
 288 agencies shall incorporate the following procedures:

289 A. Local education agency administrative officials shall  
 290 waive specific courses required for graduation if similar  
 291 coursework has been satisfactorily completed in another local  
 292 education agency or shall provide reasonable justification for  
 293 denial. If a waiver is not granted to a student who would  
 294 qualify to graduate from the sending school, the local education  
 295 agency must provide an alternative means of acquiring required  
 296 coursework so that graduation may occur on time.

297 B. States shall accept exit or end-of-course exams  
 298 required for graduation from the sending state; national norm-  
 299 referenced achievement tests; or alternative testing, in lieu of  
 300 testing requirements for graduation in the receiving state. If  
 301 these alternatives cannot be accommodated by the receiving state  
 302 for a student transferring in his or her senior year, then the  
 303 provisions of Article VII, Section C shall apply.

304 C. If a military student transfers at the beginning of or  
 305 during his or her senior year and is not eligible to graduate  
 306 from the receiving local education agency after all alternatives  
 307 have been considered, the sending and receiving local education  
 308 agencies must ensure the receipt of a diploma from the sending

309 local education agency, if the student meets the graduation  
 310 requirements of the sending local education agency. If one of  
 311 the states in question is not a member of this compact, the  
 312 member state shall use its best efforts to facilitate the on-  
 313 time graduation of the student in accordance with Sections A and  
 314 B of this Article.

315 ARTICLE VIII

316 STATE COORDINATION.—Each member state shall, through the  
 317 creation of a state council or use of an existing body or board,  
 318 provide for the coordination among its agencies of government,  
 319 local education agencies, and military installations concerning  
 320 the state's participation in, and compliance with, this compact  
 321 and Interstate Commission activities.

322 A. Each member state may determine the membership of its  
 323 own state council, but the membership must include at least: the  
 324 state superintendent of education, the superintendent of a  
 325 school district that has a high concentration of military  
 326 children, a representative from a military installation, one  
 327 representative each from the legislative and executive branches  
 328 of government, and other offices and stakeholder groups the  
 329 state council deems appropriate. A member state that does not  
 330 have a school district deemed to contain a high concentration of  
 331 military children may appoint a superintendent from another  
 332 school district to represent local education agencies on the  
 333 state council.

334 B. The state council of each member state shall appoint or  
 335 designate a military family education liaison to assist military  
 336 families and the state in facilitating the implementation of

337 this compact.

338 C. The compact commissioner responsible for the  
339 administration and management of the state's participation in  
340 the compact shall be appointed by the Governor or as otherwise  
341 determined by each member state.

342 D. The compact commissioner and the military family  
343 education liaison shall be ex officio members of the state  
344 council, unless either is already a full voting member of the  
345 state council.

346 ARTICLE IX

347 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR  
348 MILITARY CHILDREN.—The member states hereby create the  
349 "Interstate Commission on Educational Opportunity for Military  
350 Children." The activities of the Interstate Commission are the  
351 formation of public policy and are a discretionary state  
352 function. The Interstate Commission shall:

353 A. Be a body corporate and joint agency of the member  
354 states and shall have all the responsibilities, powers, and  
355 duties set forth herein, and such additional powers as may be  
356 conferred upon it by a subsequent concurrent action of the  
357 respective legislatures of the member states in accordance with  
358 the terms of this compact.

359 B. Consist of one Interstate Commission voting  
360 representative from each member state who shall be that state's  
361 compact commissioner.

362 1. Each member state represented at a meeting of the  
363 Interstate Commission is entitled to one vote.

364 2. A majority of the total member states shall constitute

365 a quorum for the transaction of business, unless a larger quorum  
 366 is required by the bylaws of the Interstate Commission.

367 3. A representative shall not delegate a vote to another  
 368 member state. In the event the compact commissioner is unable to  
 369 attend a meeting of the Interstate Commission, the Governor or  
 370 state council may delegate voting authority to another person  
 371 from their state for a specified meeting.

372 4. The bylaws may provide for meetings of the Interstate  
 373 Commission to be conducted by telecommunication or electronic  
 374 communication.

375 C. Consist of ex officio, nonvoting representatives who  
 376 are members of interested organizations. The ex officio members,  
 377 as defined in the bylaws, may include, but not be limited to,  
 378 members of the representative organizations of military family  
 379 advocates, local education agency officials, parent and teacher  
 380 groups, the United States Department of Defense, the Education  
 381 Commission of the States, the Interstate Agreement on the  
 382 Qualification of Educational Personnel, and other interstate  
 383 compacts affecting the education of children of military  
 384 members.

385 D. Meet at least once each calendar year. The chairperson  
 386 may call additional meetings and, upon the request of a simple  
 387 majority of the member states, shall call additional meetings.

388 E. Establish an executive committee, whose members shall  
 389 include the officers of the Interstate Commission and such other  
 390 members of the Interstate Commission as determined by the  
 391 bylaws. Members of the executive committee shall serve a 1-year  
 392 term. Members of the executive committee are entitled to one

393 vote each. The executive committee shall have the power to act  
 394 on behalf of the Interstate Commission, with the exception of  
 395 rulemaking, during periods when the Interstate Commission is not  
 396 in session. The executive committee shall oversee the day-to-day  
 397 activities of the administration of the compact, including  
 398 enforcement and compliance with the compact, its bylaws and  
 399 rules, and other such duties as deemed necessary. The United  
 400 States Department of Defense shall serve as an ex officio,  
 401 nonvoting member of the executive committee.

402 ~~F. Establish bylaws and rules that provide for conditions~~  
 403 ~~and procedures under which the Interstate Commission shall make~~  
 404 ~~its information and official records available to the public for~~  
 405 ~~inspection or copying. The Interstate Commission may exempt from~~  
 406 ~~disclosure information or official records to the extent they~~  
 407 ~~would adversely affect personal privacy rights or proprietary~~  
 408 ~~interests.~~

409 ~~G. Give public notice of all meetings and all meetings~~  
 410 ~~shall be open to the public, except as set forth in the rules or~~  
 411 ~~as otherwise provided in the compact. The Interstate Commission~~  
 412 ~~and its committees may close a meeting, or portion thereof,~~  
 413 ~~where it determines by two thirds vote that an open meeting~~  
 414 ~~would be likely to:~~

415 ~~1. Relate solely to the Interstate Commission's internal~~  
 416 ~~personnel practices and procedures;~~

417 ~~2. Disclose matters specifically exempted from disclosure~~  
 418 ~~by federal and state statute;~~

419 ~~3. Disclose trade secrets or commercial or financial~~  
 420 ~~information which is privileged or confidential;~~

421 ~~4. Involve accusing a person of a crime, or formally~~  
 422 ~~censuring a person;~~

423 ~~5. Disclose information of a personal nature where~~  
 424 ~~disclosure would constitute a clearly unwarranted invasion of~~  
 425 ~~personal privacy;~~

426 ~~6. Disclose investigative records compiled for law~~  
 427 ~~enforcement purposes; or~~

428 ~~7. Specifically relate to the Interstate Commission's~~  
 429 ~~participation in a civil action or other legal proceeding.~~

430 ~~H. For a meeting, or portion of a meeting, closed pursuant~~  
 431 ~~to this provision, the Interstate Commission's legal counsel or~~  
 432 ~~designee shall certify that the meeting may be closed and shall~~  
 433 ~~reference each relevant exemptible provision. The Interstate~~  
 434 ~~Commission shall keep minutes which shall fully and clearly~~  
 435 ~~describe all matters discussed in a meeting and shall provide a~~  
 436 ~~full and accurate summary of actions taken, and the reasons~~  
 437 ~~therefor, including a description of the views expressed and the~~  
 438 ~~record of a roll call vote. All documents considered in~~  
 439 ~~connection with an action shall be identified in such minutes.~~  
 440 ~~All minutes and documents of a closed meeting shall remain under~~  
 441 ~~seal, subject to release by a majority vote of the Interstate~~  
 442 ~~Commission.~~

443 F.F. The Interstate Commission shall collect standardized  
 444 data concerning the educational transition of the children of  
 445 military families under this compact as directed through its  
 446 rules which shall specify the data to be collected, the means of  
 447 collection and data exchange, and reporting requirements. The  
 448 methods of data collection, exchange, and reporting shall,



449 insofar as is reasonably possible, conform to current technology  
 450 and coordinate its information functions with the appropriate  
 451 custodian of records as identified in the bylaws and rules.

452 G.† The Interstate Commission shall create a procedure  
 453 that permits military officials, education officials, and  
 454 parents to inform the Interstate Commission if and when there  
 455 are alleged violations of the compact or its rules or when  
 456 issues subject to the jurisdiction of the compact or its rules  
 457 are not addressed by the state or local education agency. This  
 458 section does not create a private right of action against the  
 459 Interstate Commission or any member state.

460 ARTICLE X

461 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The  
 462 Interstate Commission has the power to:

463 A. Provide for dispute resolution among member states.

464 B. Adopt rules and take all necessary actions to effect  
 465 the goals, purposes, and obligations as enumerated in this  
 466 compact. The rules have the force and effect of statutory law  
 467 and are binding in the compact states to the extent and in the  
 468 manner provided in this compact.

469 C. Issue, upon request of a member state, advisory  
 470 opinions concerning the meaning or interpretation of the  
 471 interstate compact, its bylaws, rules, and actions.

472 D. Enforce compliance with the compact provisions, the  
 473 rules adopted by the Interstate Commission, and the bylaws,  
 474 using all necessary and proper means, including, but not limited  
 475 to, the use of judicial process.

476 E. Establish and maintain offices that shall be located

477 within one or more of the member states.

478 F. Purchase and maintain insurance and bonds.

479 G. Borrow, accept, hire, or contract for services of  
480 personnel.

481 H. Establish and appoint committees, including, but not  
482 limited to, an executive committee as required by Article IX,  
483 Section E, which shall have the power to act on behalf of the  
484 Interstate Commission in carrying out its powers and duties  
485 hereunder.

486 I. Elect or appoint such officers, attorneys, employees,  
487 agents, or consultants, and to fix their compensation, define  
488 their duties, and determine their qualifications; and to  
489 establish the Interstate Commission's personnel policies and  
490 programs relating to conflicts of interest, rates of  
491 compensation, and qualifications of personnel.

492 J. Accept any and all donations and grants of money,  
493 equipment, supplies, materials, and services, and to receive,  
494 utilize, and dispose of it.

495 K. Lease, purchase, accept contributions or donations of,  
496 or otherwise to own, hold, improve, or use any property, real,  
497 personal, or mixed.

498 L. Sell, convey, mortgage, pledge, lease, exchange,  
499 abandon, or otherwise dispose of any property, real, personal,  
500 or mixed.

501 M. Establish a budget and make expenditures.

502 N. Adopt a seal and bylaws governing the management and  
503 operation of the Interstate Commission.

504 O. Report annually to the legislatures, governors,

505 judiciary, and state councils of the member states concerning  
 506 the activities of the Interstate Commission during the preceding  
 507 year. Such reports shall also include any recommendations that  
 508 may have been adopted by the Interstate Commission.

509 P. Coordinate education, training, and public awareness  
 510 regarding the compact, its implementation, and operation for  
 511 officials and parents involved in such activity.

512 Q. Establish uniform standards for the reporting,  
 513 collecting, and exchanging of data.

514 R. Maintain corporate books and records in accordance with  
 515 the bylaws.

516 S. Perform such functions as may be necessary or  
 517 appropriate to achieve the purposes of this compact.

518 T. Provide for the uniform collection and sharing of  
 519 information between and among member states, schools, and  
 520 military families under this compact.

521 ARTICLE XI

522 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.-

523 A. The Interstate Commission shall, by a majority of the  
 524 members present and voting, within 12 months after the first  
 525 Interstate Commission meeting, adopt bylaws to govern its  
 526 conduct as may be necessary or appropriate to carry out the  
 527 purposes of the compact, including, but not limited to:

528 1. Establishing the fiscal year of the Interstate  
 529 Commission;

530 2. Establishing an executive committee and such other  
 531 committees as may be necessary;

532 3. Providing for the establishment of committees and for

533 governing any general or specific delegation of authority or  
 534 function of the Interstate Commission;

535 4. Providing reasonable procedures for calling and  
 536 conducting meetings of the Interstate Commission and ensuring  
 537 reasonable notice of each such meeting;

538 5. Establishing the titles and responsibilities of the  
 539 officers and staff of the Interstate Commission;

540 6. Providing a mechanism for concluding the operations of  
 541 the Interstate Commission and the return of surplus funds that  
 542 may exist upon the termination of the compact after the payment  
 543 and reserving of all of its debts and obligations.

544 7. Providing "start up" rules for initial administration  
 545 of the compact.

546 B. The Interstate Commission shall, by a majority of the  
 547 members, elect annually from among its members a chairperson, a  
 548 vice chairperson, and a treasurer, each of whom shall have such  
 549 authority and duties as may be specified in the bylaws. The  
 550 chairperson or, in the chairperson's absence or disability, the  
 551 vice chairperson shall preside at all meetings of the Interstate  
 552 Commission. The officers so elected shall serve without  
 553 compensation or remuneration from the Interstate Commission;  
 554 provided that, subject to the availability of budgeted funds,  
 555 the officers shall be reimbursed for ordinary and necessary  
 556 costs and expenses incurred by them in the performance of their  
 557 responsibilities as officers of the Interstate Commission.

558 C. The executive committee has the authority and duties as  
 559 may be set forth in the bylaws, including, but not limited to:

560 1. Managing the affairs of the Interstate Commission in a

561 manner consistent with the bylaws and purposes of the Interstate  
 562 Commission;

563 2. Overseeing an organizational structure within, and  
 564 appropriate procedures for, the Interstate Commission to provide  
 565 for the adoption of rules, operating procedures, and  
 566 administrative and technical support functions; and

567 3. Planning, implementing, and coordinating communications  
 568 and activities with other state, federal, and local government  
 569 organizations in order to advance the goals of the Interstate  
 570 Commission.

571 D. The executive committee may, subject to the approval of  
 572 the Interstate Commission, appoint or retain an executive  
 573 director for such period, upon such terms and conditions and for  
 574 such compensation, as the Interstate Commission may deem  
 575 appropriate. The executive director shall serve as secretary to  
 576 the Interstate Commission but is not a member of the Interstate  
 577 Commission. The executive director shall hire and supervise such  
 578 other persons as may be authorized by the Interstate Commission.

579 E. The Interstate Commission's executive director and its  
 580 employees are immune from suit and liability, either personally  
 581 or in their official capacity, for a claim for damage to or loss  
 582 of property or personal injury or other civil liability caused  
 583 or arising out of, or relating to, an actual or alleged act,  
 584 error, or omission that occurred, or that such person had a  
 585 reasonable basis for believing occurred, within the scope of  
 586 Interstate Commission employment, duties, or responsibilities,  
 587 provided that the person is not protected from suit or liability  
 588 for damage, loss, injury, or liability caused by the intentional

589 or willful and wanton misconduct of the person.

590 1. The liability of the Interstate Commission's executive  
 591 director and employees or Interstate Commission representatives,  
 592 acting within the scope of the person's employment or duties,  
 593 for acts, errors, or omissions occurring within the person's  
 594 state may not exceed the limits of liability set forth under the  
 595 constitution and laws of that state for state officials,  
 596 employees, and agents. The Interstate Commission is considered  
 597 to be an instrumentality of the states for the purposes of any  
 598 such action. This subsection does not protect the person from  
 599 suit or liability for damage, loss, injury, or liability caused  
 600 by the intentional or willful and wanton misconduct of the  
 601 person.

602 2. The Interstate Commission shall defend the executive  
 603 director and its employees and, subject to the approval of the  
 604 Attorney General or other appropriate legal counsel of the  
 605 member state represented by an Interstate Commission  
 606 representative, shall defend an Interstate Commission  
 607 representative in any civil action seeking to impose liability  
 608 arising out of an actual or alleged act, error, or omission that  
 609 occurred within the scope of Interstate Commission employment,  
 610 duties, or responsibilities, or that the defendant had a  
 611 reasonable basis for believing occurred within the scope of  
 612 Interstate Commission employment, duties, or responsibilities,  
 613 provided that the actual or alleged act, error, or omission did  
 614 not result from intentional or willful and wanton misconduct on  
 615 the part of the person.

616 3. To the extent not covered by the state involved, a

617 member state, the Interstate Commission, and the representatives  
 618 or employees of the Interstate Commission shall be held harmless  
 619 in the amount of a settlement or judgment, including attorney's  
 620 fees and costs, obtained against a person arising out of an  
 621 actual or alleged act, error, or omission that occurred within  
 622 the scope of Interstate Commission employment, duties, or  
 623 responsibilities, or that the person had a reasonable basis for  
 624 believing occurred within the scope of Interstate Commission  
 625 employment, duties, or responsibilities, provided that the  
 626 actual or alleged act, error, or omission did not result from  
 627 intentional or willful and wanton misconduct on the part of the  
 628 person.

629 ARTICLE XII

630 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The  
 631 Interstate Commission shall adopt rules to effectively and  
 632 efficiently implement this act to achieve the purposes of this  
 633 compact.

634 A. If the Interstate Commission exercises its rulemaking  
 635 authority in a manner that is beyond the scope of the purposes  
 636 of this act, or the powers granted hereunder, the action  
 637 undertaken by the Interstate Commission is invalid and has no  
 638 force or effect.

639 B. Rules must be adopted pursuant to a rulemaking process  
 640 that substantially conforms to the "Model State Administrative  
 641 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.  
 642 1 (2000) as amended, as may be appropriate to the operations of  
 643 the Interstate Commission.

644 C. No later than 30 days after a rule is adopted, a person

645 may file a petition for judicial review of the rule. The filing  
 646 of the petition does not stay or otherwise prevent the rule from  
 647 becoming effective unless a court finds that the petitioner has  
 648 a substantial likelihood of success on the merits of the  
 649 petition. The court shall give deference to the actions of the  
 650 Interstate Commission consistent with applicable law and shall  
 651 not find the rule to be unlawful if the rule represents a  
 652 reasonable exercise of the Interstate Commission's authority.

653 D. If a majority of the legislatures of the compacting  
 654 states rejects a rule by enactment of a statute or resolution in  
 655 the same manner used to adopt the compact, then the rule is  
 656 invalid and has no further force and effect in any compacting  
 657 state.

658 ARTICLE XIII

659 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.—

660 A. The executive, legislative, and judicial branches of  
 661 state government in each member state shall enforce this compact  
 662 and shall take all actions necessary and appropriate to  
 663 effectuate the compact's purposes and intent. The provisions of  
 664 this compact and the rules adopted under it have the force and  
 665 effect of statutory law.

666 B. All courts shall take judicial notice of the compact  
 667 and its adopted rules in any judicial or administrative  
 668 proceeding in a member state pertaining to the subject matter of  
 669 this compact which may affect the powers, responsibilities, or  
 670 actions of the Interstate Commission.

671 C. The Interstate Commission is entitled to receive all  
 672 service of process in any such proceeding, and has standing to



673 | intervene in the proceeding for all purposes. Failure to provide  
 674 | service of process to the Interstate Commission renders a  
 675 | judgment or order void as to the Interstate Commission, this  
 676 | compact, or its adopted rules.

677 |       D. If the Interstate Commission determines that a member  
 678 | state has defaulted in the performance of its obligations or  
 679 | responsibilities under this compact, or the bylaws or the  
 680 | adopted rules, the Interstate Commission shall:

681 |           1. Provide written notice to the defaulting state and  
 682 | other member states of the nature of the default, the means of  
 683 | curing the default, and any action taken by the Interstate  
 684 | Commission. The Interstate Commission must specify the  
 685 | conditions by which the defaulting state must cure its default.

686 |           2. Provide remedial training and specific technical  
 687 | assistance regarding the default.

688 |           3. If the defaulting state fails to cure the default,  
 689 | terminate the defaulting state from the compact upon an  
 690 | affirmative vote of a majority of the member states and all  
 691 | rights, privileges, and benefits conferred by this compact shall  
 692 | be terminated from the effective date of termination. A cure of  
 693 | the default does not relieve the offending state of obligations  
 694 | or liabilities incurred during the period of the default.

695 |       E. Suspension or termination of membership in the compact  
 696 | may not be imposed on a member until all other means of securing  
 697 | compliance have been exhausted. Notice of the intent to suspend  
 698 | or terminate membership must be given by the Interstate  
 699 | Commission to the Governor, the majority and minority leaders of  
 700 | the defaulting state's legislature, and each of the member

701 states.

702 F. A state that has been suspended or terminated is  
 703 responsible for all assessments, obligations, and liabilities  
 704 incurred through the effective date of suspension or  
 705 termination, including obligations, the performance of which  
 706 extends beyond the effective date of suspension or termination.

707 G. The remaining member states of the Interstate  
 708 Commission do not bear any costs arising from a state that has  
 709 been found to be in default or that has been suspended or  
 710 terminated from the compact, unless otherwise mutually agreed  
 711 upon in writing between the Interstate Commission and the  
 712 defaulting state.

713 H. A defaulting state may appeal the action of the  
 714 Interstate Commission by petitioning the United States District  
 715 Court for the District of Columbia or the federal district where  
 716 the Interstate Commission has its principal offices. The  
 717 prevailing party shall be awarded all costs of such litigation,  
 718 including reasonable attorney's fees.

719 I. The Interstate Commission shall attempt, upon the  
 720 request of a member state, to resolve disputes that are subject  
 721 to the compact and that may arise among member states and  
 722 between member and nonmember states. The Interstate Commission  
 723 shall promulgate a rule providing for both mediation and binding  
 724 dispute resolution for disputes as appropriate.

725 1. The Interstate Commission, in the reasonable exercise  
 726 of its discretion, shall enforce the provisions and rules of  
 727 this compact.

728 2. The Interstate Commission may, by majority vote of the

729 members, initiate legal action in the United States District  
 730 Court for the District of Columbia or, at the discretion of the  
 731 Interstate Commission, in the federal district where the  
 732 Interstate Commission has its principal offices to enforce  
 733 compliance with the provisions of the compact, or its  
 734 promulgated rules and bylaws, against a member state in default.  
 735 The relief sought may include both injunctive relief and  
 736 damages. In the event judicial enforcement is necessary, the  
 737 prevailing party shall be awarded all costs of such litigation,  
 738 including reasonable attorney's fees.

739 3. The remedies herein are not the exclusive remedies of  
 740 the Interstate Commission. The Interstate Commission may avail  
 741 itself of any other remedies available under state law or the  
 742 regulation of a profession.

743 ARTICLE XIV

744 FINANCING OF THE INTERSTATE COMMISSION.—

745 A. The Interstate Commission shall pay, or provide for the  
 746 payment of, the reasonable expenses of its establishment,  
 747 organization, and ongoing activities.

748 B. The Interstate Commission may levy on and collect an  
 749 annual assessment from each member state to cover the cost of  
 750 the operations and activities of the Interstate Commission and  
 751 its staff which must be in a total amount sufficient to cover  
 752 the Interstate Commission's annual budget as approved each year.  
 753 The aggregate annual assessment amount shall be allocated based  
 754 upon a formula to be determined by the Interstate Commission,  
 755 which shall adopt a rule binding upon all member states.

756 C. The Interstate Commission may not incur any obligation

757 of any kind before securing the funds adequate to meet the  
 758 obligation and the Interstate Commission may not pledge the  
 759 credit of any of the member states, except by and with the  
 760 permission of the member state.

761 D. The Interstate Commission shall keep accurate accounts  
 762 of all receipts and disbursements. The receipts and  
 763 disbursements of the Interstate Commission are subject to audit  
 764 and accounting procedures established under its bylaws. However,  
 765 all receipts and disbursements of funds handled by the  
 766 Interstate Commission shall be audited yearly by a certified or  
 767 licensed public accountant, and the report of the audit shall be  
 768 included in and become part of the annual report of the  
 769 Interstate Commission.

770 ARTICLE XV

771 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

772 A. Any state is eligible to become a member state.

773 B. The compact shall take effect and be binding upon  
 774 legislative enactment of the compact into law by not less than  
 775 10 of the states. The effective date shall be no earlier than  
 776 December 1, 2007. Thereafter, it shall become effective and  
 777 binding as to any other member state upon enactment of the  
 778 compact into law by that state. The governors of nonmember  
 779 states or their designees shall be invited to participate in the  
 780 activities of the Interstate Commission on a nonvoting basis  
 781 before adoption of the compact by all states.

782 C. The Interstate Commission may propose amendments to the  
 783 compact for enactment by the member states. An amendment does  
 784 not become effective and binding upon the Interstate Commission

785 and the member states until the amendment is enacted into law by  
 786 unanimous consent of the member states.

787 ARTICLE XVI

788 WITHDRAWAL AND DISSOLUTION.—

789 A. Once in effect, the compact continues in force and  
 790 remains binding upon each and every member state, provided that  
 791 a member state may withdraw from the compact, specifically  
 792 repealing the statute that enacted the compact into law.

793 1. Withdrawal from the compact occurs when a statute  
 794 repealing its membership is enacted by the state, but does not  
 795 take effect until 1 year after the effective date of the statute  
 796 and until written notice of the withdrawal has been given by the  
 797 withdrawing state to the Governor of each other member state.

798 2. The withdrawing state must immediately notify the  
 799 chairperson of the Interstate Commission in writing upon the  
 800 introduction of legislation repealing this compact in the  
 801 withdrawing state. The Interstate Commission shall notify the  
 802 other member states of the withdrawing state's intent to  
 803 withdraw within 60 days after its receipt thereof.

804 3. A withdrawing state is responsible for all assessments,  
 805 obligations, and liabilities incurred through the effective date  
 806 of withdrawal, including obligations, the performance of which  
 807 extend beyond the effective date of withdrawal.

808 4. Reinstatement following withdrawal of a member state  
 809 shall occur upon the withdrawing state reenacting the compact or  
 810 upon such later date as determined by the Interstate Commission.

811 B. This compact shall dissolve effective upon the date of  
 812 the withdrawal or default of the member state which reduces the

813 membership in the compact to one member state.

814 C. Upon the dissolution of this compact, the compact  
 815 becomes void and has no further force or effect, and the  
 816 business and affairs of the Interstate Commission shall be  
 817 concluded and surplus funds shall be distributed in accordance  
 818 with the bylaws.

819 ARTICLE XVII

820 SEVERABILITY AND CONSTRUCTION.—

821 A. The provisions of this compact shall be severable, and  
 822 if any phrase, clause, sentence, or provision is deemed  
 823 unenforceable, the remaining provisions of the compact shall be  
 824 enforceable.

825 B. The provisions of this compact shall be liberally  
 826 construed to effectuate its purposes.

827 C. This compact does not prohibit the applicability of  
 828 other interstate compacts to which the states are members.

829 ARTICLE XVIII

830 BINDING EFFECT OF COMPACT AND OTHER LAWS.—

831 A. This compact does not prevent the enforcement of any  
 832 other law of a member state that is not inconsistent with this  
 833 compact.

834 B. All member states' laws conflicting with this compact  
 835 are superseded to the extent of the conflict.

836 C. All lawful actions of the Interstate Commission,  
 837 including all rules and bylaws promulgated by the Interstate  
 838 Commission, are binding upon the member states.

839 D. All agreements between the Interstate Commission and  
 840 the member states are binding in accordance with their terms.

HB 521

2010

841 E. If any part of this compact exceeds the constitutional  
 842 limits imposed on the legislature of any member state, the  
 843 provision shall be ineffective to the extent of the conflict  
 844 with the constitutional provision in question in that member  
 845 state.

846 Section 3. Sections 1000.36, 1000.37, 1000.38, and  
 847 1000.39, Florida Statutes, shall stand repealed 3 years after  
 848 the effective date of this act unless reviewed and saved from  
 849 repeal through reenactment by the Legislature.

850 Section 4. This act shall take effect upon becoming a law.





## **EOC PCB Summary February 10, 2010**

### **High School Graduation Requirements**

- ❖ Requires geometry and Algebra II as two of four mathematics credits.
- ❖ Requires Biology I and chemistry or physics as two of the three science credits.
- ❖ Increases the required mathematics credits from 3 to 4 for students selecting the accelerated college preparatory or the career preparatory graduation options. (Elective credits are reduced.)
- ❖ Requires high schools to provide acceleration courses (e.g., IB, AICE, AP, dual enrollment, and industry certification courses) and to advise students of such acceleration courses.

### **End-of Course Assessments/FCAT**

- ❖ Requires an EOC assessment in Algebra I. Passage of the EOC is required to pass the course and earn course credit.
- ❖ Requires an EOC assessment in geometry. Passage of the EOC is required to pass the course and earn course credit.
- ❖ Eliminates grade 9 and grade 10 FCAT Mathematics.
- ❖ Requires an EOC assessment in Biology I. Passage of the EOC is required to pass the course and earn course credit.
- ❖ Eliminates FCAT Science at the high school level.
- ❖ Directs the Commissioner of Education to develop an implementation schedule for the development and administration of additional EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and world history, subject to funding availability. The student's performance on these statewide, standardized EOC assessments must constitute at least 30 percent of a student's course grade.
- ❖ Authorizes the use of equivalent scores for EOC assessments.
- ❖ Authorizes a district school board to allow a high school student who fails to pass an EOC assessment to receive a grade of "I" in the course until the next administration of the EOC assessment.
- ❖ Requires the State Board of Education to establish two cut scores for EOC assessments: passing scores and scores indicating high achievement and potential to meet college-readiness standards.
- ❖ Defines achievement levels 1 through 5.
- ❖ Eliminates requirements for revised FCAT Writing beginning with the 2012-2013 school year. FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels as provided in current law.
- ❖ Revises testing schedules for EOC assessments.

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Fresen offered the following:

3  
4       **Amendment (with title amendment)**

5       Remove line 577 and insert:  
6       1003.4295 Acceleration opportunities for secondary  
7       students.-

8       Between lines 594 and 595, insert:

9       (3) The Credit Acceleration Program (CAP) is established  
10      to allow a secondary student to earn high school credit in a  
11      course that requires a statewide, standardized end-of-course  
12      assessment if the student attains a specified score on the  
13      assessment. Notwithstanding s. 1003.436, a school district shall  
14      award a course credit to a student who is not enrolled in the  
15      course or who has not completed the course if the student  
16      attains a score that indicates the student is high achieving,  
17      pursuant to s. 1008.22(3)(c)7., on the corresponding statewide,  
18      standardized end-of-course assessment. A student who is not  
19      enrolled in the course or who has not completed the course may

Amendment No. 01

20 take the statewide, standardized end-of-course assessment during  
21 the regular administration of the assessment and may only take  
22 the end-of-course assessment once pursuant to this subsection.  
23  
24

25 -----

26 **T I T L E A M E N D M E N T**

27 Remove line 36 and insert:  
28 acceleration opportunities; creating the Credit Acceleration  
29 Program to allow a student who is not enrolled in or has not  
30 completed a course to earn credit if certain requirements are  
31 met; amending s. 1003.437, F.S.; revising

Amendment No. 02

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                               \_\_\_ (Y/N)  
OTHER                                     \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Legg offered the following:

3  
4           **Amendment**

5           Remove lines 198-202 and insert:

6           college admission requirements, and opportunities through which  
7           a high school student can earn college credit, including  
8           Advanced Placement, International Baccalaureate, Advanced  
9           International Certificate of Education, dual enrollment, career  
10          academy courses, and programs that lead to national industry  
11          certification.

12          Remove lines 578-582 and insert:

13          (1) Each high school shall advise each student of  
14          opportunities through which a high school student can earn  
15          college credit, including Advanced Placement, International  
16          Baccalaureate, Advanced International Certificate of Education,  
17          dual enrollment, career academy courses, and programs that lead  
18          to national industry certification, as well as the  
19

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB PT 10-01 (2010)

Amendment No. 02

20 Remove line 621 and insert:  
21 limited to, achievement of national industry certifications  
22 identified in the Industry Certified Funding List, pursuant to  
23 rules adopted by the State Board of Education, graduation

24 Remove line 734 and insert:  
25 certifications identified in the Industry Certified Funding  
26 List, pursuant to rules adopted by the State Board of Education  
27 ~~as defined in s. 1003.492, for use as end-of-~~

28 Remove lines 1131-1134 and insert:  
29 Education courses; and the students' achievement of national  
30 industry certifications identified in the Industry Certified  
31 Funding List, pursuant to rules adopted by the State Board of  
32 Education certification, as determined by the Agency for  
33 ~~Workforce Innovation under s. 1003.492(2) in a career and~~  
34 ~~professional academy, as described in s. 1003.493;~~

35 Remove lines 1199-1201 and insert:  
36 national industry certifications identified in the Industry  
37 Certification Funding List, pursuant to rules adopted by the  
38 State Board of Education certification, as determined by the  
39 ~~Agency for Workforce Innovation under s. 1003.492(2) in a career~~  
40 ~~and professional academy, as described in s. 1003.493;~~

41 Remove lines 1209-1211 and insert:  
42 e. Earning of national an industry certifications  
43 identified in the Industry Certification Funding List, pursuant  
44 to rules adopted by the State Board of Education certification,  
45 ~~as determined by the Agency for Workforce Innovation under s.~~  
46 ~~1003.492(2) in a career and professional academy, as described~~  
47 ~~in s. 1003.493;~~

Amendment No. 03

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                               \_\_\_ (Y/N)  
OTHER                                     \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Legg offered the following:

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4                   **Amendment**

5                   Remove lines 605-606 and insert:  
6 assessment. If the student then passes

Amendment No. 04

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Legg offered the following:

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4                   **Amendment**

5                   Remove line 826 and insert:

6                   achieving and is likely to meet college-readiness

Amendment No. 05

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Legg offered the following:

3

4 **Amendment**

5 Remove line 99 and insert:

6 face value if based on official transcripts and subject to



Amendment No. 06

COUNCIL/COMMITTEE ACTION

ADOPTED                                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                               \_\_\_ (Y/N)  
OTHER                                     \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representatives Kiar & Legg offered the following:

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**Amendment**

Remove line 894 and insert:  
the reporting of student test results. When establishing the  
schedules for the administration of statewide assessments, the  
commissioner shall consider the observance of religious and  
school holidays. The commissioner shall,

Amendment No. 07

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Jones offered the following:

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4                   **Amendment**

5           Remove line 604 and insert:  
6 course until being offered remediation and a retake of the end-  
7 of-course assessment the following summer or during the next  
8 administration of the end-of-course

9

Amendment No. 08

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                              \_\_\_ (Y/N)  
OTHER                                    \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Bullard offered the following:

3  
4       **Amendment**

5       Between lines 775 and 776, insert:

6       a. Diagnostic assessments shall be given to students in  
7 grades 6, 8, and 10 in mathematics and science content knowledge  
8 and skills and shall be used to keep students on track to  
9 graduate from high school. The diagnostic assessments shall be  
10 designed to identify specific academic weaknesses in individual  
11 students and to provide specific diagnostic information to help  
12 focus instruction and remediation most effectively to meet the  
13 needs of individual students.

14       b. The Department of Education shall develop criteria to  
15 allow school districts to offer students identified as  
16 struggling to meet the graduation standards but do not have an  
17 individual education plan an academic path to receive a standard  
18 diploma.

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB PT 10-01 (2010)

Amendment No. 09

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Council/Committee hearing PCB: PreK-12 Policy Committee  
2 Representative Bullard offered the following:

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**Amendment**

Remove lines 699-727 and insert:  
the Algebra I end-of-course assessment. Beginning with students entering grade 9 during the 2010-2011 school year, each student's performance on the end-of-course assessment in Algebra I shall constitute 30 percent of the student's final course grade. Beginning with the 2010-2011 school year, all students enrolled in geometry or an equivalent course must take the geometry end-of-course assessment. Beginning with students entering grade 9 during the 2010-2011 school year, each student's performance on the end-of-course assessment in geometry shall constitute 30 percent of the student's final course grade.

(II) A statewide, standardized end-of-course assessment in Biology I shall be administered according to this sub-sub-paragraph. Beginning with the 2011-2012 school year, all

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB PT 10-01 (2010)

Amendment No. 09

20 students enrolled in Biology I or an equivalent course must take  
21 the Biology I end-of-course assessment. Beginning with students  
22 entering grade 9 during the 2011-2012 school year, each  
23 student's performance on the end-of-course assessment in Biology  
24 I shall constitute 30 percent of the student's final course  
25 grade.

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A bill to be entitled  
 An act relating to public school assessments; amending s.  
 1003.25, F.S.; requiring the State Board of Education to  
 establish uniform procedures for the acceptance of student  
 credits and grades according to certain criteria; amending  
 s. 1003.413, F.S., relating to secondary school redesign,  
 to delete obsolete provisions and to conform to changes  
 made by the act; amending s. 1003.4156, F.S.; revising  
 requirements for middle grades promotion; providing that  
 successful completion of a high school level Algebra I,  
 geometry, or Biology I course is not contingent upon a  
 student's performance on the end-of-course assessment;  
 requiring a student to pass the end-of-course assessment  
 to earn high school credit for such courses; specifying  
 information that must be provided to students as part of  
 the personalized academic and career plan; amending s.  
 1003.428, F.S.; revising requirements for high school  
 graduation; requiring students entering grade 9 in  
 specified school years to meet end-of-course assessment  
 requirements and revised credit requirements in  
 mathematics and science for high school graduation;  
 requiring credit in an online course; requiring district  
 school board standards for grades in certain courses;  
 providing for waiver of end-of-course assessment results  
 for the purpose of receiving a course grade and credit for  
 students with disabilities; amending s. 1003.429, F.S.;  
 revising requirements for accelerated high school  
 graduation options; updating cross-references; requiring

29 students entering grade 9 in specified school years to  
 30 meet end-of-course assessment requirements and revised  
 31 credit requirements in mathematics and science for high  
 32 school graduation; requiring credit in an online course;  
 33 requiring district school board standards for grades in  
 34 certain courses; creating s. 1003.4295, F.S.; requiring  
 35 high schools to advise students of, and offer,  
 36 acceleration courses; amending s. 1003.437, F.S.; revising  
 37 the middle and high school grading system as it relates to  
 38 grades for a high school student who fails an end-of-  
 39 course assessment; amending s. 1003.493, F.S., relating to  
 40 career and professional academies, to conform to changes  
 41 made by the act; amending s. 1007.35, F.S., relating to  
 42 the Florida Partnership for Minority and Underrepresented  
 43 Student Achievement, to conform to changes made by the  
 44 act; amending s. 1008.22, F.S.; revising the statewide  
 45 student achievement testing program; requiring end-of-  
 46 course assessments in mathematics and science to replace  
 47 FCAT Mathematics and FCAT Science beginning with students  
 48 entering grade 9 in specified school years; providing  
 49 requirements for administration of, and student  
 50 performance on, statewide, standardized end-of-course  
 51 assessments in mathematics and science; providing for  
 52 establishment of an implementation schedule to develop and  
 53 administer end-of-course assessments in certain courses;  
 54 requiring evaluation and reporting of transition to  
 55 specified end-of-course assessments; deleting certain  
 56 requirements relating to the assessment of writing;

57 requiring the use of scaled scores and achievement levels  
 58 for measuring a student's knowledge and skills; requiring  
 59 the State Board of Education to designate passing scores  
 60 for end-of-course assessments and scores that indicate  
 61 high achievement; providing requirements for retaking  
 62 specified assessments; providing for waiver of end-of-  
 63 course assessment requirements for students in exceptional  
 64 education programs and students who have limited English  
 65 proficiency; revising provisions relating to testing and  
 66 reporting schedules; conforming provisions and cross-  
 67 references; deleting certain uses of concordant scores for  
 68 the FCAT; authorizing the Commissioner of Education to  
 69 adopt equivalent scores for end-of-course assessments;  
 70 deleting retake requirements for use of concordant scores;  
 71 providing requirements for use of equivalent scores;  
 72 amending s. 1008.25, F.S., relating to public school  
 73 student progression, to conform to changes made by the  
 74 act; amending s. 1008.30, F.S., relating to the common  
 75 placement test, to conform to changes made by the act;  
 76 amending s. 1008.34, F.S.; revising provisions that  
 77 specify the basis for determining school grades to include  
 78 student performance on end-of-course assessments and to  
 79 conform provisions to current FCAT assessments; amending  
 80 s. 1008.341, F.S.; revising provisions that specify the  
 81 basis for determining an alternative school's school  
 82 improvement rating to include student performance on end-  
 83 of-course assessments; amending s. 1008.36, F.S.; revising



84 provisions relating to the use of school recognition  
 85 awards; providing an effective date.

86

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

88

89 Section 1. Subsection (3) of section 1003.25, Florida  
 90 Statutes, is amended to read:

91 1003.25 Procedures for maintenance and transfer of student  
 92 records.—

93 (3) The State Board of Education shall establish, by rule,  
 94 uniform procedures relating to the acceptance of credits and  
 95 grades earned by students entering Florida's public schools.

96 Credits and grades earned in courses, including those courses  
 97 that in Florida would require a statewide, standardized end-of-  
 98 course assessment under s. 1008.22(3)(c)2., shall be accepted at

99 face value and based on official transcripts, subject to  
 100 validation procedures established by rule ~~transfer work and~~  
 101 ~~credit for students shall be prescribed by rule by the State~~  
 102 ~~Board of Education.~~

103 Section 2. Paragraph (d) of subsection (3) and subsections  
 104 (4) and (5) of section 1003.413, Florida Statutes, are amended  
 105 to read:

106 1003.413 Florida Secondary School Redesign Act.—

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

111 (d) Credit recovery courses and intensive reading and

112 mathematics intervention courses based on student performance on  
 113 ~~the FCAT Reading and FCAT Mathematics~~. These courses should be  
 114 competency based and offered through innovative delivery  
 115 systems, including computer-assisted instruction. School  
 116 districts should use learning gains as well as other appropriate  
 117 data and provide incentives to identify and reward high-  
 118 performing teachers who teach credit recovery and intensive  
 119 intervention courses.

120 (4) In order to support the successful implementation of  
 121 this section by district school boards, the Department of  
 122 Education shall:

123 ~~(a) By February 1, 2007, increase the number of approved~~  
 124 ~~applied, integrated, and combined courses available to school~~  
 125 ~~districts.~~

126 ~~(b) By the beginning of the 2006-2007 school year, make~~  
 127 ~~available a professional development package designed to provide~~  
 128 ~~the information that content area teachers need to become~~  
 129 ~~proficient in applying scientifically based reading strategies~~  
 130 ~~through their content areas.~~

131 (a) ~~(c)~~ Share best practices for providing a complete  
 132 education program to students enrolled in course recovery,  
 133 credit recovery, intensive reading intervention, or intensive  
 134 mathematics intervention.

135 (b) ~~(d)~~ Expedite assistance and decisions and coordinate  
 136 policies throughout all divisions within the department to  
 137 provide school districts with support to implement this section.

138 ~~(c) Use data to provide the Legislature with an annual~~  
 139 ~~longitudinal analysis of the success of this reform effort,~~

140 ~~including the progress of 6th grade students and 9th grade~~  
 141 ~~students scoring at Level 1 on FCAT Reading or FCAT Mathematics.~~

142 ~~(5) The Commissioner of Education shall create and~~  
 143 ~~implement the Secondary School Improvement Award Program to~~  
 144 ~~reward public secondary schools that demonstrate continuous~~  
 145 ~~student academic improvement and show the greatest gains in~~  
 146 ~~student academic achievement in reading and mathematics.~~

147 Section 3. Paragraph (a) of subsection (1) of section  
 148 1003.4156, Florida Statutes, is amended to read:

149 1003.4156 General requirements for middle grades  
 150 promotion.-

151 (1) Beginning with students entering grade 6 in the 2006-  
 152 2007 school year, promotion from a school composed of middle  
 153 grades 6, 7, and 8 requires that:

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

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

159 2. Three middle school or higher courses in mathematics.  
 160 Each middle school must offer at least one high school level  
 161 mathematics course for which students may earn high school  
 162 credit. Successful completion of a high school level Algebra I  
 163 or geometry course is not contingent upon the student's  
 164 performance on the end-of-course assessment required under s.  
 165 1008.22(3)(c)2.a.(I). However, to earn high school credit for an  
 166 Algebra I or geometry course, a middle school student must meet  
 167 the end-of-course assessment requirement under s.

168 | 1008.22(3)(c)2.a.(I). Students in grades 6 through 8 who earn  
 169 | high school credit for an Algebra I or geometry course before  
 170 | the 2010-2011 school year are not subject to the end-of-course  
 171 | assessment requirement.

172 | 3. Three middle school or higher courses in social  
 173 | studies, one semester of which must include the study of state  
 174 | and federal government and civics education.

175 | 4. Three middle school or higher courses in science.  
 176 | Successful completion of a high school level Biology I course is  
 177 | not contingent upon the student's performance on the end-of-  
 178 | course assessment required under s. 1008.22(3)(c)2.a.(II).  
 179 | However, to earn high school credit for a Biology I course, a  
 180 | middle school student must meet the end-of-course assessment  
 181 | requirement under s. 1008.22(3)(c)2.a.(II). Students in grades 6  
 182 | through 8 who earn high school credit for a Biology I course  
 183 | before the 2011-2012 school year are not subject to the end-of-  
 184 | course assessment requirement.

185 | 5. One course in career and education planning to be  
 186 | completed in 7th or 8th grade. The course may be taught by any  
 187 | member of the instructional staff; must include career  
 188 | exploration using Florida CHOICES for the 21st Century or a  
 189 | comparable cost-effective program; must include educational  
 190 | planning using the online student advising system known as  
 191 | Florida Academic Counseling and Tracking for Students at the  
 192 | Internet website FACTS.org; and shall result in the completion  
 193 | of a personalized academic and career plan. The required  
 194 | personalized academic and career plan must inform students of  
 195 | high school graduation requirements, high school assessment and

196 college entrance test requirements, Florida Bright Futures  
 197 Scholarship Program requirements, state university and Florida  
 198 college admission requirements, and programs through which a  
 199 high school student can earn college credit, including Advanced  
 200 Placement, International Baccalaureate, Advanced International  
 201 Certificate of Education, dual enrollment, or industry  
 202 certification.

203  
 204 Each school must hold a parent meeting either in the evening or  
 205 on a weekend to inform parents about the course curriculum and  
 206 activities. Each student shall complete an electronic personal  
 207 education plan that must be signed by the student; the student's  
 208 instructor, guidance counselor, or academic advisor; and the  
 209 student's parent. ~~By January 1, 2007,~~ The Department of  
 210 Education shall develop course frameworks and professional  
 211 development materials for the career exploration and education  
 212 planning course. The course may be implemented as a stand-alone  
 213 course or integrated into another course or courses. The  
 214 Commissioner of Education shall collect longitudinal high school  
 215 course enrollment data by student ethnicity in order to analyze  
 216 course-taking patterns.

217 Section 4. Subsections (1) and (2), paragraph (a) of  
 218 subsection (4), and paragraph (b) of subsection (8) of section  
 219 1003.428, Florida Statutes, are amended to read:

220 1003.428 General requirements for high school graduation;  
 221 revised.—

222 (1) Except as otherwise authorized pursuant to s.  
 223 1003.429, beginning with students entering grade 9 ~~their first~~

224 ~~year of high school~~ in the 2007-2008 school year, graduation  
 225 requires the successful completion of a minimum of 24 credits,  
 226 an International Baccalaureate curriculum, or an Advanced  
 227 International Certificate of Education curriculum. Students must  
 228 be advised of eligibility requirements for state scholarship  
 229 programs and postsecondary admissions.

230 (2) The 24 credits may be earned through applied,  
 231 integrated, and combined courses approved by the Department of  
 232 Education. Beginning with students entering grade 9 in the 2013-  
 233 2014 school year, one of the 24 credits must contain online  
 234 learning. This requirement shall be met through an online course  
 235 offered by the Florida Virtual School, through a course offered  
 236 by the high school that significantly integrates online content,  
 237 or through an online dual enrollment course offered pursuant to  
 238 a district interinstitutional articulation agreement under s.  
 239 1007.235. A student who is enrolled in a full-time virtual  
 240 instruction program under s. 1002.45 meets this requirement. The  
 241 24 credits ~~and~~ shall be distributed as follows:

- 242 (a) Sixteen core curriculum credits:
- 243 1. Four credits in English, with major concentration in  
 244 composition, reading for information, and literature.
  - 245 2. Four credits in mathematics, one of which must be  
 246 Algebra I, a series of courses equivalent to Algebra I, or a  
 247 higher-level mathematics course. Beginning with students  
 248 entering grade 9 in the 2010-2011 school year, in addition to  
 249 the Algebra I credit requirement, one of the four credits in  
 250 mathematics must be geometry or a series of courses equivalent  
 251 to geometry as approved by the State Board of Education.

252 Beginning with students entering grade 9 in the 2010-2011 school  
 253 year, the end-of-course assessment requirements under s.  
 254 1008.22(3)(c)2.a.(I) must be met in order for a student to earn  
 255 the required credits in Algebra I and geometry. Beginning with  
 256 students entering grade 9 in the 2012-2013 school year, in  
 257 addition to the Algebra I and geometry credit requirements, one  
 258 of the four credits in mathematics must be Algebra II or a  
 259 series of courses equivalent to Algebra II as approved by the  
 260 State Board of Education. ~~School districts are encouraged to set~~  
 261 ~~specific goals to increase enrollments in, and successful~~  
 262 ~~completion of, geometry and Algebra II.~~

263         3. Three credits in science, two of which must have a  
 264 laboratory component. Beginning with students entering grade 9  
 265 in the 2011-2012 school year, one of the three credits in  
 266 science must be Biology I or a series of courses equivalent to  
 267 Biology I as approved by the State Board of Education. Beginning  
 268 with students entering grade 9 in the 2011-2012 school year, the  
 269 end-of-course assessment requirements under s.  
 270 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
 271 the required credit in Biology I. Beginning with students  
 272 entering grade 9 in the 2013-2014 school year, in addition to  
 273 the Biology I credit requirement, one of the three credits in  
 274 science must be chemistry or physics or a series of courses  
 275 equivalent to chemistry or physics as approved by the State  
 276 Board of Education.

277         4. Three credits in social studies as follows: one credit  
 278 in United States ~~American~~ history; one credit in world history;

279 one-half credit in economics; and one-half credit in United  
 280 States ~~American~~ government.

281 5. One credit in fine or performing arts, speech and  
 282 debate, or a practical arts course that incorporates artistic  
 283 content and techniques of creativity, interpretation, and  
 284 imagination. Eligible practical arts courses shall be identified  
 285 through the Course Code Directory.

286 6. One credit in physical education to include integration  
 287 of health. Participation in an interscholastic sport at the  
 288 junior varsity or varsity level for two full seasons shall  
 289 satisfy the one-credit requirement in physical education if the  
 290 student passes a competency test on personal fitness with a  
 291 score of "C" or better. The competency test on personal fitness  
 292 must be developed by the Department of Education. A district  
 293 school board may not require that the one credit in physical  
 294 education be taken during the 9th grade year. Completion of one  
 295 semester with a grade of "C" or better in a marching band class,  
 296 in a physical activity class that requires participation in  
 297 marching band activities as an extracurricular activity, or in a  
 298 dance class shall satisfy one-half credit in physical education  
 299 or one-half credit in performing arts. This credit may not be  
 300 used to satisfy the personal fitness requirement or the  
 301 requirement for adaptive physical education under an individual  
 302 education plan (IEP) or 504 plan. Completion of 2 years in a  
 303 Reserve Officer Training Corps (R.O.T.C.) class, a significant  
 304 component of which is drills, shall satisfy the one-credit  
 305 requirement in physical education and the one-credit requirement  
 306 in performing arts. This credit may not be used to satisfy the



307 personal fitness requirement or the requirement for adaptive  
 308 physical education under an individual education plan (IEP) or  
 309 504 plan.

310 (b) Eight credits in majors, minors, or electives:

311 1. Four credits in a major area of interest, such as  
 312 sequential courses in a career and technical program, fine and  
 313 performing arts, or academic content area, selected by the  
 314 student as part of the education plan required by s. 1003.4156.  
 315 Students may revise major areas of interest each year as part of  
 316 annual course registration processes and should update their  
 317 education plan to reflect such revisions. Annually by October 1,  
 318 the district school board shall approve major areas of interest  
 319 and submit the list of majors to the Commissioner of Education  
 320 for approval. Each major area of interest shall be deemed  
 321 approved unless specifically rejected by the commissioner within  
 322 60 days. Upon approval, each district's major areas of interest  
 323 shall be available for use by all school districts and shall be  
 324 posted on the department's website.

325 2. Four credits in elective courses selected by the  
 326 student as part of the education plan required by s. 1003.4156.  
 327 These credits may be combined to allow for a second major area  
 328 of interest pursuant to subparagraph 1., a minor area of  
 329 interest, elective courses, or intensive reading or mathematics  
 330 intervention courses as described in this subparagraph.

331 a. Minor areas of interest are composed of three credits  
 332 selected by the student as part of the education plan required  
 333 by s. 1003.4156 and approved by the district school board.

334 b. Elective courses are selected by the student in order

335 to pursue a complete education program as described in s.  
 336 1001.41(3) and to meet eligibility requirements for  
 337 scholarships.

338 c. For each year in which a student scores at Level 1 on  
 339 FCAT Reading, the student must be enrolled in and complete an  
 340 intensive reading course the following year. Placement of Level  
 341 2 readers in either an intensive reading course or a content  
 342 area course in which reading strategies are delivered shall be  
 343 determined by diagnosis of reading needs. The department shall  
 344 provide guidance on appropriate strategies for diagnosing and  
 345 meeting the varying instructional needs of students reading  
 346 below grade level. Reading courses shall be designed and offered  
 347 pursuant to the comprehensive reading plan required by s.  
 348 1011.62(9).

349 d. For each year in which a student scores at Level 1 or  
 350 Level 2 on FCAT Mathematics, the student must receive  
 351 remediation the following year. These courses may be taught  
 352 through applied, integrated, or combined courses and are subject  
 353 to approval by the department for inclusion in the Course Code  
 354 Directory.

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

357 (a) Successful completion of the academic credit or  
 358 curriculum requirements of subsections (1) and (2). For courses  
 359 that require statewide, standardized end-of-course assessments  
 360 under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a  
 361 student's course grade shall be comprised of performance on the  
 362 statewide, standardized end-of-course assessment.

363  
 364 Each district school board shall adopt policies designed to  
 365 assist students in meeting the requirements of this subsection.  
 366 These policies may include, but are not limited to: forgiveness  
 367 policies, summer school or before or after school attendance,  
 368 special counseling, volunteers or peer tutors, school-sponsored  
 369 help sessions, homework hotlines, and study skills classes.  
 370 Forgiveness policies for required courses shall be limited to  
 371 replacing a grade of "D" or "F," or the equivalent of a grade of  
 372 "D" or "F," with a grade of "C" or higher, or the equivalent of  
 373 a grade of "C" or higher, earned subsequently in the same or  
 374 comparable course. Forgiveness policies for elective courses  
 375 shall be limited to replacing a grade of "D" or "F," or the  
 376 equivalent of a grade of "D" or "F," with a grade of "C" or  
 377 higher, or the equivalent of a grade of "C" or higher, earned  
 378 subsequently in another course. The only exception to these  
 379 forgiveness policies shall be made for a student in the middle  
 380 grades who takes any high school course for high school credit  
 381 and earns a grade of "C," "D," or "F" or the equivalent of a  
 382 grade of "C," "D," or "F." In such case, the district  
 383 forgiveness policy must allow the replacement of the grade with  
 384 a grade of "C" or higher, or the equivalent of a grade of "C" or  
 385 higher, earned subsequently in the same or comparable course. In  
 386 all cases of grade forgiveness, only the new grade shall be used  
 387 in the calculation of the student's grade point average. Any  
 388 course grade not replaced according to a district school board  
 389 forgiveness policy shall be included in the calculation of the  
 390 cumulative grade point average required for graduation.

391 (8)  
 392 (b)1. A student with a disability, as defined in s.  
 393 1007.02(2), for whom the individual education plan (IEP)  
 394 committee determines that the FCAT cannot accurately measure the  
 395 student's abilities, taking into consideration all allowable  
 396 accommodations, shall have the FCAT requirement of paragraph  
 397 (4)(b) waived for the purpose of receiving a standard high  
 398 school diploma, if the student:

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

401 ~~b.2.~~ Does not meet the requirements of paragraph (4)(b)  
 402 after one opportunity in 10th grade and one opportunity in 11th  
 403 grade.

404 2. A student with a disability, as defined in s.  
 405 1007.02(2), for whom the individual education plan (IEP)  
 406 committee determines that an end-of-course assessment cannot  
 407 accurately measure the student's abilities, taking into  
 408 consideration all allowable accommodations, shall have the end-  
 409 of-course assessment results waived for the purpose of  
 410 determining the student's course grade and credit as required in  
 411 paragraph (4)(a).

412 Section 5. Subsections (1) and (5), paragraph (c) of  
 413 subsection (7), and subsection (8) of section 1003.429, Florida  
 414 Statutes, are amended to read:

415 1003.429 Accelerated high school graduation options.—

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

419 graduation options:

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

422 (b) Completion of a 3-year standard college preparatory  
423 program requiring successful completion of a minimum of 18  
424 academic credits in grades 9 through 12. At least 6 of the 18  
425 credits required for completion of this program must be received  
426 in classes that are offered pursuant to the International  
427 Baccalaureate Program, the Advanced Placement Program, dual  
428 enrollment, Advanced International Certificate of Education, or  
429 specifically listed or identified by the Department of Education  
430 as rigorous pursuant to s. 1009.531(3). Beginning with students  
431 entering grade 9 in the 2013-2014 school year, one of the 18  
432 credits must contain online learning. This requirement shall be  
433 met through an online course offered by the Florida Virtual  
434 School, through a course offered by the high school that  
435 significantly integrates online content, or through an online  
436 dual enrollment course offered pursuant to a district  
437 interinstitutional articulation agreement under s. 1007.235. A  
438 student who is enrolled in a full-time virtual instruction  
439 program under s. 1002.45 meets this requirement. The 18 credits  
440 required for completion of this program shall be primary  
441 requirements and shall be distributed as follows:

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

444 2. Three credits and, beginning with students entering  
445 grade 9 in the 2010-2011 school year, four credits in  
446 mathematics at the Algebra I level or higher from the list of

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

461 |       3. Three credits in ~~natural~~ science, two of which must  
 462 | have a laboratory component. Beginning with students entering  
 463 | grade 9 in the 2011-2012 school year, one of the three credits  
 464 | in science must be Biology I or a series of courses equivalent  
 465 | to Biology I as approved by the State Board of Education.  
 466 | Beginning with students entering grade 9 in the 2011-2012 school  
 467 | year, the end-of-course assessment requirements under s.  
 468 | 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
 469 | the required credit in Biology I. Beginning with students  
 470 | entering grade 9 in the 2013-2014 school year, in addition to  
 471 | the Biology I credit requirement, one of the three credits in  
 472 | science must be chemistry or physics or a series of courses  
 473 | equivalent to chemistry or physics as approved by the State  
 474 | Board of Education;

475 4. Three credits in social sciences, which must include  
 476 one credit in United States ~~American~~ history, one credit in  
 477 world history, one-half credit in United States ~~American~~  
 478 government, and one-half credit in economics;

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

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

488 (c) Completion of a 3-year career preparatory program  
 489 requiring successful completion of a minimum of 18 academic  
 490 credits in grades 9 through 12. Beginning with students entering  
 491 grade 9 in the 2013-2014 school year, one of the 18 credits must  
 492 contain online learning. This requirement shall be met through  
 493 an online course offered by the Florida Virtual School, through  
 494 a course offered by the high school that significantly  
 495 integrates online content, or through an online dual enrollment  
 496 course offered pursuant to a district interinstitutional  
 497 articulation agreement under s. 1007.235. A student who is  
 498 enrolled in a full-time virtual instruction program under s.  
 499 1002.45 meets this requirement. The 18 credits shall be primary  
 500 requirements and shall be distributed as follows:

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

503           2. Three credits and, beginning with students entering  
 504 grade 9 in the 2010-2011 school year, four credits in  
 505 mathematics, one of which must be Algebra I. Beginning with  
 506 students entering grade 9 in the 2010-2011 school year, in  
 507 addition to the Algebra I credit requirement, one of the four  
 508 credits in mathematics must be geometry or a series of courses  
 509 equivalent to geometry as approved by the State Board of  
 510 Education. Beginning with students entering grade 9 in the 2010-  
 511 2011 school year, the end-of-course assessment requirements  
 512 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student  
 513 to earn the required credits in Algebra I and geometry.  
 514 Beginning with students entering grade 9 in the 2012-2013 school  
 515 year, in addition to the Algebra I and geometry credit  
 516 requirements, one of the four credits in mathematics must be  
 517 Algebra II or a series of courses equivalent to Algebra II as  
 518 approved by the State Board of Education;

519           3. Three credits in ~~natural~~ science, two of which must  
 520 have a laboratory component. Beginning with students entering  
 521 grade 9 in the 2011-2012 school year, one of the three credits  
 522 in science must be Biology I or a series of courses equivalent  
 523 to Biology I as approved by the State Board of Education.  
 524 Beginning with students entering grade 9 in the 2011-2012 school  
 525 year, the end-of-course assessment requirements under s.  
 526 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
 527 the required credit in Biology I. Beginning with students  
 528 entering grade 9 in the 2013-2014 school year, in addition to  
 529 the Biology I credit requirement, one of the three credits in  
 530 science must be chemistry or physics or a series of courses



531 equivalent to chemistry or physics as approved by the State  
 532 Board of Education;

533 4. Three credits in social sciences, which must include  
 534 one credit in United States ~~American~~ history, one credit in  
 535 world history, one-half credit in United States ~~American~~  
 536 government, and one-half credit in economics;

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

541 6. Two credits and, beginning with students entering grade  
 542 9 in the 2010-2011 school year, one credit in electives unless  
 543 five credits are earned pursuant to subparagraph 5.

544  
 545 Any student who selected an accelerated graduation program  
 546 before July 1, 2004, may continue that program, and all  
 547 statutory program requirements that were applicable when the  
 548 student made the program choice shall remain applicable to the  
 549 student as long as the student continues that program.

550 (5) District school boards may not establish requirements  
 551 for accelerated 3-year high school graduation options in excess  
 552 of the requirements in paragraphs (1)(b) and (c). For courses  
 553 that require statewide, standardized end-of-course assessments  
 554 under s. 1008.22(3)(c)2.c., a minimum of 30 percent of a  
 555 student's course grade shall be comprised of performance on the  
 556 statewide, standardized end-of-course assessment.

557 (7) If, at the end of grade 10, a student is not on track  
 558 to meet the credit, assessment, or grade-point-average

PCB PT 10-01

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559 requirements of the accelerated graduation option selected, the  
 560 school shall notify the student and parent of the following:

561 (c) The right of the student to change to the 4-year  
 562 program set forth in s. 1003.428 or s. 1003.43, as applicable.

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

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

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

571 (c) Does not achieve a score of 3 or higher on the grade  
 572 10 FCAT Writing assessment; or

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

575 Section 6. Section 1003.4295, Florida Statutes, is created  
 576 to read:

577 1003.4295 Acceleration courses.-

578 (1) Each high school shall advise each student of programs  
 579 through which a high school student can earn college credit,  
 580 including Advanced Placement, International Baccalaureate,  
 581 Advanced International Certificate of Education, dual  
 582 enrollment, or industry certification, as well as the  
 583 availability of course offerings through the Florida Virtual  
 584 School.

585 (2) Beginning with the 2011-2012 school year, each high  
 586 school shall offer an International Baccalaureate Program, an

587 Advanced International Certificate of Education Program, or a  
 588 combination of at least four courses in dual enrollment or  
 589 Advanced Placement, including one course each in English,  
 590 mathematics, science, and social studies. To meet this  
 591 requirement, school districts may utilize the course offerings  
 592 provided by the Florida Virtual School established under s.  
 593 1002.37 or through virtual instruction programs authorized under  
 594 s. 1002.45.

595 Section 7. Subsection (6) of section 1003.437, Florida  
 596 Statutes, is amended to read:

597 1003.437 Middle and high school grading system.—The  
 598 grading system and interpretation of letter grades used for  
 599 students in public schools in grades 6-12 shall be as follows:

600 (6) Grade "I" equals zero percent, has a grade point  
 601 average value of zero, and is defined as "incomplete." A high  
 602 school student who fails to pass an end-of-course assessment  
 603 required under s. 1008.22(3)(c) may receive a grade "I" in the  
 604 course until the next administration of the end-of-course  
 605 assessment if the student otherwise substantially knows and  
 606 understands the course curriculum. If the student then passes  
 607 the end-of-course assessment, the appropriate grade shall be  
 608 substituted.

609  
 610 For the purposes of class ranking, district school boards may  
 611 exercise a weighted grading system pursuant to s. 1007.271.

612 Section 8. Paragraph (k) of subsection (4) of section  
 613 1003.493, Florida Statutes, is amended to read:

614 1003.493 Career and professional academies.—

615 (4) Each career and professional academy must:  
 616 (k) Include an evaluation plan developed jointly with the  
 617 Department of Education and the local workforce board. The  
 618 evaluation plan must include an assessment tool based on  
 619 national industry standards, such as the Career Academy National  
 620 Standards of Practice, and outcome measures, including, but not  
 621 limited to, achievement of industry certifications, graduation  
 622 rates, enrollment in postsecondary education, business and  
 623 industry satisfaction, employment and earnings, awards of  
 624 postsecondary credit and scholarships, and student FCAT  
 625 achievement levels and learning gains on statewide assessments  
 626 administered under s. 1008.22(3)(c). The Department of Education  
 627 shall use Workforce Florida, Inc., and Enterprise Florida, Inc.,  
 628 in identifying industry experts to participate in developing and  
 629 implementing such assessments.

630 Section 9. Paragraph (c) of subsection (6) of section  
 631 1007.35, Florida Statutes, is amended to read:

632 1007.35 Florida Partnership for Minority and  
 633 Underrepresented Student Achievement.-

634 (6) The partnership shall:

635 (c) Provide teacher training and materials that are  
 636 aligned with the Next Generation Sunshine State Standards and  
 637 are consistent with best theory and practice regarding multiple  
 638 learning styles and research on learning, instructional  
 639 strategies, instructional design, and classroom assessment.  
 640 Curriculum materials must be based on current, accepted, and  
 641 essential academic knowledge. ~~Materials for prerequisite courses~~  
 642 ~~should, at a minimum, address the skills assessed on the Florida~~

643 ~~Comprehensive Assessment Test (FCAT).~~

644 Section 10. Paragraph (c) of subsection (3) and  
 645 subsections (6), (9), and (10) of section 1008.22, Florida  
 646 Statutes, are amended, present subsections (11) and (12) are  
 647 renumbered as subsections (12) and (13), respectively, and a new  
 648 subsection (11) is added to that section, to read:

649 1008.22 Student assessment program for public schools.—

650 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 651 design and implement a statewide program of educational  
 652 assessment that provides information for the improvement of the  
 653 operation and management of the public schools, including  
 654 schools operating for the purpose of providing educational  
 655 services to youth in Department of Juvenile Justice programs.  
 656 The commissioner may enter into contracts for the continued  
 657 administration of the assessment, testing, and evaluation  
 658 programs authorized and funded by the Legislature. Contracts may  
 659 be initiated in 1 fiscal year and continue into the next and may  
 660 be paid from the appropriations of either or both fiscal years.  
 661 The commissioner is authorized to negotiate for the sale or  
 662 lease of tests, scoring protocols, test scoring services, and  
 663 related materials developed pursuant to law. Pursuant to the  
 664 statewide assessment program, the commissioner shall:

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

667 1. ~~known as~~ The Florida Comprehensive Assessment Test  
 668 (FCAT) measures ~~as part of the statewide assessment program to~~  
 669 ~~measure~~ a student's content knowledge and skills in reading,  
 670 writing, science, and mathematics. The content knowledge and

671 skills assessed by the FCAT must be aligned to the core  
 672 curricular content established in the Next Generation Sunshine  
 673 State Standards. Other content areas may be included as directed  
 674 by the commissioner. Comprehensive assessments of reading and  
 675 mathematics shall be administered annually in grades 3 through  
 676 10 except, beginning with students entering grade 9 in the 2010-  
 677 2011 school year, the end-of-course assessments in Algebra I and  
 678 geometry required under sub-sub-subparagraph 2.a.(I) shall  
 679 replace grade 9 and grade 10 FCAT Mathematics. Comprehensive  
 680 assessments of writing and science shall be administered at  
 681 least once at the elementary, middle, and high school levels  
 682 except, beginning with students entering grade 9 in the 2011-  
 683 2012 school year, the end-of-course assessment in Biology I  
 684 required under sub-sub-subparagraph 2.a.(II) shall replace FCAT  
 685 Science at the high school level.

686 2.a. End-of-course assessments for a subject shall ~~may~~ be  
 687 administered in addition to the comprehensive assessments  
 688 ~~required for that subject under subparagraph 1. this paragraph.~~  
 689 ~~An~~ End-of-course assessments ~~assessment~~ must be rigorous,  
 690 statewide, standardized, and developed or approved by the  
 691 department. The content knowledge and skills assessed by  
 692 ~~comprehensive and~~ end-of-course assessments must be aligned to  
 693 the core curricular content established in the Next Generation  
 694 Sunshine State Standards.

695 (I) Statewide, standardized end-of-course assessments in  
 696 mathematics shall be administered according to this sub-sub-  
 697 subparagraph. Beginning with the 2010-2011 school year, all  
 698 students enrolled in Algebra I or an equivalent course must take

699 the Algebra I end-of-course assessment. For students entering  
 700 grade 9 during the 2010-2011 school year, each student's  
 701 performance on the end-of-course assessment in Algebra I shall  
 702 constitute 30 percent of the student's final course grade.  
 703 Beginning with students entering grade 9 in the 2011-2012 school  
 704 year, a student must earn a passing score on the end-of-course  
 705 assessment in Algebra I in order to pass the course and earn  
 706 course credit. Beginning with the 2010-2011 school year, all  
 707 students enrolled in geometry or an equivalent course must take  
 708 the geometry end-of-course assessment. For students entering  
 709 grade 9 during the 2010-2011 and 2011-2012 school years, each  
 710 student's performance on the end-of-course assessment in  
 711 geometry shall constitute 30 percent of the student's final  
 712 course grade. Beginning with students entering grade 9 during  
 713 the 2012-2013 school year, a student must earn a passing score  
 714 on the end-of-course assessment in geometry in order to pass the  
 715 course and earn course credit.

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

726 course assessment in Biology I in order to pass the course and  
 727 earn course credit.

728 b. The commissioner may select one or more nationally  
 729 developed comprehensive examinations, which may include, but  
 730 need not be limited to, examinations for a College Board  
 731 Advanced Placement course, International Baccalaureate course,  
 732 or Advanced International Certificate of Education course or  
 733 industry-approved examinations to earn national industry  
 734 certifications as defined in s. 1003.492, for use as end-of-  
 735 course assessments under this paragraph, if the commissioner  
 736 determines that the content knowledge and skills assessed by the  
 737 examinations meet or exceed the grade level expectations for the  
 738 core curricular content established for the course in the Next  
 739 Generation Sunshine State Standards. The commissioner may  
 740 collaborate with the American Diploma Project in the adoption or  
 741 development of rigorous end-of-course assessments that are  
 742 aligned to the Next Generation Sunshine State Standards. ~~The~~  
 743 ~~testing program must be designed as follows:~~

744 c. Contingent upon funding provided in the General  
 745 Appropriations Act, including appropriation of federal funds,  
 746 the Commissioner of Education shall establish an implementation  
 747 schedule for the development and administration of statewide,  
 748 standardized end-of-course assessments in English/Language Arts  
 749 II, Algebra II, chemistry, physics, earth/space science, United  
 750 States history, and world history. Priority shall be given to  
 751 the development of an end-of-course assessment in  
 752 English/Language Arts II. The Commissioner of Education shall  
 753 evaluate the feasibility and effect of transitioning from the



754 grade 9 and grade 10 FCAT Reading and high school level FCAT  
 755 Writing to an end-of-course assessment in English/Language Arts  
 756 II. The commissioner shall report the results of the evaluation  
 757 to the President of the Senate and the Speaker of the House of  
 758 Representatives no later July 1, 2011.

759 3.1. The testing program tests shall measure student  
 760 skills and competencies adopted by the State Board of Education  
 761 as specified in paragraph (a) and. ~~The tests must~~ measure and  
 762 report student performance proficiency levels of all students  
 763 assessed in reading, writing, mathematics, and science. The  
 764 commissioner shall provide for the tests to be developed or  
 765 obtained, as appropriate, through contracts and project  
 766 agreements with private vendors, public vendors, public  
 767 agencies, postsecondary educational institutions, or school  
 768 districts. The commissioner shall obtain input with respect to  
 769 the design and implementation of the testing program from state  
 770 educators, assistive technology experts, and the public.

771 4.2. The testing program shall be composed of criterion-  
 772 referenced tests that shall, to the extent determined by the  
 773 commissioner, include test items that require the student to  
 774 produce information or perform tasks in such a way that the core  
 775 content knowledge and skills he or she uses can be measured.

776 ~~3. Beginning with the 2008-2009 school year, the~~  
 777 ~~commissioner shall discontinue administration of the selected~~  
 778 ~~response test items on the comprehensive assessments of writing.~~  
 779 ~~Beginning with the 2012-2013 school year, the comprehensive~~  
 780 ~~assessments of writing shall be composed of a combination of~~  
 781 ~~selected response test items, short response performance tasks,~~

782 ~~and extended response performance tasks, which shall measure a~~  
 783 ~~student's content knowledge of writing, including, but not~~  
 784 ~~limited to, paragraph and sentence structure, sentence~~  
 785 ~~construction, grammar and usage, punctuation, capitalization,~~  
 786 ~~spelling, parts of speech, verb tense, irregular verbs, subject-~~  
 787 ~~verb agreement, and noun-pronoun agreement.~~

788 5.4. FCAT Reading, Mathematics, and Science and all  
 789 statewide, standardized end-of-course assessments shall measure,  
 790 by use of scaled scores and achievement levels, the content  
 791 knowledge and skills a student has attained. Achievement levels  
 792 shall range from 1 through 5, with level 1 being the lowest  
 793 achievement level, level 5 being the highest achievement level,  
 794 and level 3 indicating satisfactory performance on an  
 795 assessment. For FCAT Writing, student achievement shall be  
 796 scored using the rubric scale of 1 through 6 and the score  
 797 earned shall be used in calculating school grades. A score shall  
 798 be designated for each subject area tested, below which score a  
 799 student's performance is deemed inadequate. The school districts  
 800 shall provide appropriate remedial instruction to students who  
 801 score below these levels.

802 ~~6.5. Except as provided in s. 1003.428(8)(b) or s.~~  
 803 ~~1003.43(11)(b), students must earn a passing score on the grade~~  
 804 ~~10 assessment test described in this paragraph or attain~~  
 805 ~~concordant scores as described in subsection (10) in reading,~~  
 806 ~~writing, and mathematics to qualify for a standard high school~~  
 807 ~~diploma.~~ The State Board of Education shall, by rule, designate  
 808 a passing score for each part of the grade 10 assessment test  
 809 and end-of-course assessments. In establishing passing scores,

810 the state board shall consider any possible negative impact of  
 811 the test on minority students. ~~The State Board of Education~~  
 812 ~~shall adopt rules which specify the passing scores for the grade~~  
 813 ~~10 FCAT.~~ Any such rules that, ~~which~~ have the effect of raising  
 814 the required passing scores, shall apply only to students taking  
 815 the assessment grade 10 FCAT for the first time after such rules  
 816 are adopted by the State Board of Education. Except as otherwise  
 817 provided in this paragraph and as provided in s. 1003.428(8)(b)  
 818 or s. 1003.43(11)(b), students must earn a passing score on  
 819 grade 10 FCAT Reading and grade 10 FCAT Mathematics or attain  
 820 concordant scores as described in subsection (10) to qualify for  
 821 a standard high school diploma.

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

828 8.6. Participation in the testing program is mandatory for  
 829 all students attending public school, including students served  
 830 in Department of Juvenile Justice programs, except as otherwise  
 831 prescribed by the commissioner. A student who has not earned  
 832 passing scores on the grade 10 FCAT as provided in subparagraph  
 833 6. must participate in each retake of the assessment until the  
 834 student earns passing scores or achieves scores on a  
 835 standardized assessment that are concordant with passing scores  
 836 pursuant to subsection (10). If a student does not participate  
 837 in the statewide assessment, the district must notify the

838 student's parent and provide the parent with information  
 839 regarding the implications of such nonparticipation. A parent  
 840 must provide signed consent for a student to receive classroom  
 841 instructional accommodations that would not be available or  
 842 permitted on the statewide assessments and must acknowledge in  
 843 writing that he or she understands the implications of such  
 844 instructional accommodations. The State Board of Education shall  
 845 adopt rules, based upon recommendations of the commissioner, for  
 846 the provision of test accommodations for students in exceptional  
 847 education programs and for students who have limited English  
 848 proficiency. Accommodations that negate the validity of a  
 849 statewide assessment are not allowable in the administration of  
 850 the FCAT or an end-of-course assessment. However, instructional  
 851 accommodations are allowable in the classroom if included in a  
 852 student's individual education plan. Students using  
 853 instructional accommodations in the classroom that are not  
 854 allowable as accommodations on the FCAT or an end-of-course  
 855 assessment may have the FCAT or end-of-course assessment  
 856 requirement waived pursuant to the requirements of s.  
 857 1003.428(8)(b) or s. 1003.43(11)(b).

858 9.7. A student seeking an adult high school diploma must  
 859 meet the same testing requirements that a regular high school  
 860 student must meet.

861 10.8. District school boards must provide instruction to  
 862 prepare students ~~to demonstrate proficiency~~ in the core  
 863 curricular content established in the Next Generation Sunshine  
 864 State Standards adopted under s. 1003.41, including the core  
 865 content knowledge and skills necessary for successful grade-to-

866 grade progression and high school graduation. If a student is  
 867 provided with instructional accommodations in the classroom that  
 868 are not allowable as accommodations in the statewide assessment  
 869 program, as described in the test manuals, the district must  
 870 inform the parent in writing and must provide the parent with  
 871 information regarding the impact on the student's ability to  
 872 meet expected performance ~~proficiency~~ levels in reading,  
 873 writing, ~~and~~ mathematics, and science. The commissioner shall  
 874 conduct studies as necessary to verify that the required core  
 875 curricular content is part of the district instructional  
 876 programs.

877 ~~11.9.~~ District school boards must provide opportunities  
 878 for students to demonstrate an acceptable level of performance  
 879 on an alternative standardized assessment approved by the State  
 880 Board of Education following enrollment in summer academies.

881 ~~12.10.~~ The Department of Education must develop, or  
 882 select, and implement a common battery of assessment tools that  
 883 will be used in all juvenile justice programs in the state.  
 884 These tools must accurately measure the core curricular content  
 885 established in the Next Generation Sunshine State Standards.

886 ~~13.11.~~ For students seeking a special diploma pursuant to  
 887 s. 1003.438, the Department of Education must develop or select  
 888 and implement an alternate assessment tool that accurately  
 889 measures the core curricular content established in the Next  
 890 Generation Sunshine State Standards for students with  
 891 disabilities under s. 1003.438.

892 ~~14.12.~~ The Commissioner of Education shall establish  
 893 schedules for the administration of statewide assessments and

894 the reporting of student test results. The commissioner shall,  
 895 by August 1 of each year, notify each school district in writing  
 896 and publish on the department's Internet website the testing and  
 897 reporting schedules for, at a minimum, the school year following  
 898 the upcoming school year. The testing and reporting schedules  
 899 shall require that:

900 a. There is the latest possible administration of  
 901 statewide assessments and the earliest possible reporting to the  
 902 school districts of student test results which is feasible  
 903 within available technology and specific appropriations;  
 904 however, test results for the FCAT must be made available no  
 905 later than the week of June 8. Student results for end-of-course  
 906 assessments must be provided no later than 1 week after the  
 907 school district completes testing for each course ~~final day of~~  
 908 ~~the regular school year for students.~~

909 b. Beginning with the 2010-2011 school year, FCAT ~~a~~  
 910 ~~comprehensive statewide assessment of~~ Writing is not  
 911 administered earlier than the week of March 1 and a  
 912 comprehensive statewide assessment of any other subject is not  
 913 administered earlier than the week of April 15.

914 c. A statewide, standardized end-of-course assessment is  
 915 administered during a 3-week period at the end of a year-long  
 916 course. The commissioner shall select a 3-week administration  
 917 period for assessments that meets the intent of end-of-course  
 918 assessments and provides student results prior to the end of the  
 919 course. School districts shall select one testing week within  
 920 the 3-week administration period for each end-of-course  
 921 assessment. For an end-of-course assessment administered at the

922 end of a semester-long course, the commissioner shall determine  
 923 the most appropriate testing dates based on a school district's  
 924 academic calendar ~~within the last 2 weeks of the course.~~

925  
 926 The commissioner may, based on collaboration and input from  
 927 school districts, design and implement student testing programs,  
 928 for any grade level and subject area, necessary to effectively  
 929 monitor educational achievement in the state, including the  
 930 measurement of educational achievement of the Next Generation  
 931 Sunshine State Standards for students with disabilities.  
 932 Development and refinement of assessments shall include  
 933 universal design principles and accessibility standards that  
 934 will prevent any unintended obstacles for students with  
 935 disabilities while ensuring the validity and reliability of the  
 936 test. These principles should be applicable to all technology  
 937 platforms and assistive devices available for the assessments.  
 938 The field testing process and psychometric analyses for the  
 939 statewide assessment program must include an appropriate  
 940 percentage of students with disabilities and an evaluation or  
 941 determination of the effect of test items on such students.

942 (6) SCHOOL TESTING PROGRAMS.—Each public school shall  
 943 participate in the statewide assessment program in accordance  
 944 with the testing and reporting schedules published by the  
 945 Commissioner of Education under subparagraph (3)(c) 14.12 ~~14.12~~, unless  
 946 specifically exempted by state board rule based on serving a  
 947 specialized population for which standardized testing is not  
 948 appropriate. Student performance data shall be analyzed and  
 949 reported to parents, the community, and the state. Student

950 performance data shall be used in developing objectives of the  
 951 school improvement plan, evaluation of instructional personnel,  
 952 evaluation of administrative personnel, assignment of staff,  
 953 allocation of resources, acquisition of instructional materials  
 954 and technology, performance-based budgeting, and promotion and  
 955 assignment of students into educational programs. The analysis  
 956 of student performance data also must identify strengths and  
 957 needs in the educational program and trends over time. The  
 958 analysis must be used in conjunction with the budgetary planning  
 959 processes developed pursuant to s. 1008.385 and the development  
 960 of the programs of remediation.

961 (9) APPLICABILITY OF TESTING STANDARDS.—

962 (a) If the Commissioner of Education revises a statewide  
 963 assessment and the revisions require the State Board of  
 964 Education to modify the assessment's performance proficiency  
 965 levels or modify the passing scores ~~required for a standard high~~  
 966 ~~school diploma~~, until the state board adopts the modifications  
 967 by rule, the commissioner shall use calculations for scoring the  
 968 assessment which adjust student scores on the revised assessment  
 969 for statistical equivalence to student scores on the former  
 970 assessment.

971 (b) A student must attain the passing scores on the  
 972 statewide assessment required for a standard high school diploma  
 973 or for high school course credits under sub-sub-subparagraphs  
 974 (3)(c)2.a.(I) and (II) which are in effect at the time the  
 975 student enters grade 9 if the student's enrollment is  
 976 continuous.

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  
 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 ~~State Board~~ of Education shall  
 992 analyze the content and concordant data sets for ~~widely used~~  
 993 high school achievement tests, including, but not limited to,  
 994 the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess  
 995 if concordant scores for FCAT scores can be determined for high  
 996 school graduation, ~~college placement, and scholarship awards.~~  
 997 When in cases where content alignment and concordant scores can  
 998 be determined, the Commissioner of Education shall adopt those  
 999 scores as meeting the graduation requirement in lieu of  
 1000 achieving the FCAT passing score and may adopt those scores as  
 1001 being sufficient to achieve additional purposes as determined by  
 1002 rule. Each time that test content or scoring procedures change  
 1003 for the FCAT or for a high school achievement test for which a  
 1004 concordant score is determined, new concordant scores must be  
 1005 determined. Concordant scores earned before taking the grade 10

1006 FCAT for the first time in grade 10 may not be used to satisfy  
 1007 the requirement in this paragraph.

1008 ~~(b) In order to use a concordant subject area score~~  
 1009 ~~pursuant to this subsection to satisfy the assessment~~  
 1010 ~~requirement for a standard high school diploma as provided in s.~~  
 1011 ~~1003.429(6) (a), s. 1003.43(5) (a), or s. 1003.428, a student must~~  
 1012 ~~take each subject area of the grade 10 FCAT a total of three~~  
 1013 ~~times without earning a passing score. The requirements of this~~  
 1014 ~~paragraph shall not apply to a new student who enters the~~  
 1015 ~~Florida public school system in grade 12, who may either achieve~~  
 1016 ~~a passing score on the FCAT or use an approved subject area~~  
 1017 ~~concordant score to fulfill the graduation requirement.~~

1018 (b)(e) The State Board of Education may define by rule the  
 1019 allowable uses, other than to satisfy the high school graduation  
 1020 requirement, for concordant scores as described in this  
 1021 subsection. Such uses may include, but need not be limited to,  
 1022 achieving appropriate standardized test scores required for the  
 1023 awarding of Florida Bright Futures Scholarships and college  
 1024 placement.

1025 (11) EQUIVALENT SCORES FOR END-OF-COURSE ASSESSMENTS.-

1026 (a) The Commissioner of Education shall analyze the  
 1027 content and equivalent data sets for high school achievement  
 1028 tests, including, but not limited to, grade 10 FCAT Mathematics  
 1029 retakes until such retakes are discontinued pursuant to  
 1030 subsection (9), the PSAT, the PLAN, the SAT, the ACT, and the  
 1031 College Placement Test, to assess if equivalent scores for end-  
 1032 of-course assessment scores can be determined for passage of an  
 1033 end-of-course assessment. When content alignment and equivalent

1034 | scores can be determined, the Commissioner of Education shall  
 1035 | adopt those scores as meeting the requirement to pass the end-  
 1036 | of-course assessment and as being sufficient to achieve  
 1037 | additional purposes as determined by rule. Each time that  
 1038 | assessment content or scoring procedures change for an end-of-  
 1039 | course assessment or for a high school achievement test for  
 1040 | which an equivalent score is determined, new equivalent scores  
 1041 | must be determined. Equivalent scores earned before taking an  
 1042 | end-of-course assessment for the first time may not be used to  
 1043 | satisfy the requirement in this subsection.

1044 |       (b) In order to use an equivalent score pursuant to this  
 1045 | subsection to satisfy the end-of-course assessment requirements  
 1046 | under sub-subparagraph (3)(c)2.a., a student must have received  
 1047 | a grade "F" in a course solely because the student failed to  
 1048 | pass the end-of-course assessment. Use of an equivalent score  
 1049 | adopted by the Commissioner of Education under paragraph (a) for  
 1050 | purposes of grade adjustment, grade forgiveness, or course  
 1051 | credit recovery is contingent upon and subject to district  
 1052 | school board rules.

1053 |       Section 11. Paragraph (a) of subsection (4) of section  
 1054 | 1008.25, Florida Statutes, is amended to read:

1055 |       1008.25 Public school student progression; remedial  
 1056 | instruction; reporting requirements.-

1057 |       (4) ASSESSMENT AND REMEDIATION.-

1058 |       (a) Each student must participate in the statewide  
 1059 | assessment tests required by s. 1008.22. Each student who does  
 1060 | not meet specific levels of performance as determined by the  
 1061 | district school board in FCAT Reading, Writing, Science, and

PCB PT 10-01

ORIGINAL

2010

1062 Mathematics for each grade level, or who scores below Level 3 in  
 1063 FCAT Reading or FCAT Mathematics math, must be provided with  
 1064 additional diagnostic assessments to determine the nature of the  
 1065 student's difficulty, the areas of academic need, and strategies  
 1066 for appropriate intervention and instruction as described in  
 1067 paragraph (b).

1068 Section 12. Subsection (3) of section 1008.30, Florida  
 1069 Statutes, is amended to read:

1070 1008.30 Common placement testing for public postsecondary  
 1071 education.—

1072 (3) The State Board of Education shall adopt rules that  
 1073 require high schools to evaluate before the beginning of grade  
 1074 12 the college readiness of each student who indicates an  
 1075 interest in postsecondary education and scores at Level 2 or  
 1076 Level 3 on the reading portion of the grade 10 FCAT or Level 2,  
 1077 Level 3, or Level 4 on the mathematics assessments under s.  
 1078 1008.22(3)(c) ~~portion of the grade 10 FCAT~~. High schools shall  
 1079 perform this evaluation using results from the corresponding  
 1080 component of the common placement test prescribed in this  
 1081 section, or an equivalent test identified by the State Board of  
 1082 Education. The Department of Education shall purchase or develop  
 1083 the assessments necessary to perform the evaluations required by  
 1084 this subsection and shall work with the school districts to  
 1085 administer the assessments. The State Board of Education shall  
 1086 establish by rule the minimum test scores a student must achieve  
 1087 to demonstrate readiness. Students who demonstrate readiness by  
 1088 achieving the minimum test scores established by the state board  
 1089 and enroll in a community college within 2 years of achieving

1090 such scores shall not be required to enroll in remediation  
 1091 courses as a condition of acceptance to any community college.  
 1092 The high school shall use the results of the test to advise the  
 1093 students of any identified deficiencies and to the maximum  
 1094 extent practicable provide 12th grade students access to  
 1095 appropriate remedial instruction prior to high school  
 1096 graduation. The remedial instruction provided under this  
 1097 subsection shall be a collaborative effort between secondary and  
 1098 postsecondary educational institutions. To the extent courses  
 1099 are available, the Florida Virtual School may be used to provide  
 1100 the remedial instruction required by this subsection.

1101 Section 13. Paragraphs (b) and (c) of subsection (3) of  
 1102 section 1008.34, Florida Statutes, are amended to read:

1103 1008.34 School grading system; school report cards;  
 1104 district grade.—

1105 (3) DESIGNATION OF SCHOOL GRADES.—

1106 (b)1. A school's grade shall be based on a combination of:

1107 a. Student achievement scores, including performance on  
 1108 all FCAT assessments administered under s. 1008.22(3)(c)1. and  
 1109 end-of-course assessments administered under s.  
 1110 1008.22(3)(c)2.a., and achievement scores for students seeking a  
 1111 special diploma.

1112 b. Student learning gains in reading and mathematics as  
 1113 measured by ~~annual~~ FCAT and end-of-course assessments ~~in grades~~  
 1114 ~~3 through 10~~; learning gains for students seeking a special  
 1115 diploma, as measured by an alternate assessment tool, shall be  
 1116 included not later than the 2009-2010 school year.

1117 c. Improvement of the lowest 25th percentile of students

PCB PT 10-01

ORIGINAL

2010

1118 in the school in reading ~~and~~, mathematics, ~~or writing~~ on the  
 1119 FCAT and end-of-course assessments, unless these students are  
 1120 exhibiting satisfactory performance.

1121 2. Beginning with the 2009-2010 school year for schools  
 1122 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 1123 11, and 12, 50 percent of the school grade shall be based on a  
 1124 combination of the factors listed in sub-subparagraphs 1.a.-c.  
 1125 and the remaining 50 percent on the following factors:

1126 a. The high school graduation rate of the school;

1127 b. As valid data becomes available, the performance and  
 1128 participation of the school's students in College Board Advanced  
 1129 Placement courses, International Baccalaureate courses, dual  
 1130 enrollment courses, and Advanced International Certificate of  
 1131 Education courses; and the students' achievement of industry  
 1132 certification, as determined by the Agency for Workforce  
 1133 Innovation under s. 1003.492(2) in a career and professional  
 1134 academy, as described in s. 1003.493;

1135 c. Postsecondary readiness of the school's students as  
 1136 measured by the SAT, ACT, or the common placement test;

1137 d. The high school graduation rate of at-risk students who  
 1138 scored at Level 2 or lower on the grade 8 FCAT Reading and  
 1139 Mathematics examinations;

1140 e. As valid data becomes available, the performance of the  
 1141 school's students on statewide, standardized end-of-course  
 1142 assessments administered under s. 1008.22(3)(c)2.b. and c.; and

1143 f. The growth or decline in the components listed in sub-  
 1144 subparagraphs a.-e. from year to year.

1145 (c) Student assessment data used in determining school

1146 grades shall include:

1147 1. The aggregate scores of all eligible students enrolled  
 1148 in the school who have been assessed on the FCAT assessments  
 1149 administered under s. 1008.22(3)(c)1. and end-of-course  
 1150 assessments administered under s. 1008.22(3)(c)2.a.

1151 2. The aggregate scores of all eligible students enrolled  
 1152 in the school who have been assessed on the FCAT and end-of-  
 1153 course assessments and who have scored at or in the lowest 25th  
 1154 percentile of students in the school in reading and  
 1155 mathematics, ~~or writing~~, unless these students are exhibiting  
 1156 satisfactory performance.

1157 3. Effective with the 2005-2006 school year, the  
 1158 achievement scores and learning gains of eligible students  
 1159 attending alternative schools that provide dropout prevention  
 1160 and academic intervention services pursuant to s. 1003.53. The  
 1161 term "eligible students" in this subparagraph does not include  
 1162 students attending an alternative school who are subject to  
 1163 district school board policies for expulsion for repeated or  
 1164 serious offenses, who are in dropout retrieval programs serving  
 1165 students who have officially been designated as dropouts, or who  
 1166 are in programs operated or contracted by the Department of  
 1167 Juvenile Justice. The student performance data for eligible  
 1168 students identified in this subparagraph shall be included in  
 1169 the calculation of the home school's grade. As used in this  
 1170 section and s. 1008.341, the term "home school" means the school  
 1171 to which the student would be assigned if the student were not  
 1172 assigned to an alternative school. If an alternative school  
 1173 chooses to be graded under this section, student performance

1174 data for eligible students identified in this subparagraph shall  
 1175 not be included in the home school's grade but shall be included  
 1176 only in the calculation of the alternative school's grade. A  
 1177 school district that fails to assign the FCAT and end-of-course  
 1178 assessment scores of each of its students to his or her home  
 1179 school or to the alternative school that receives a grade shall  
 1180 forfeit Florida School Recognition Program funds for 1 fiscal  
 1181 year. School districts must require collaboration between the  
 1182 home school and the alternative school in order to promote  
 1183 student success. This collaboration must include an annual  
 1184 discussion between the principal of the alternative school and  
 1185 the principal of each student's home school concerning the most  
 1186 appropriate school assignment of the student.

1187 4. Beginning with the 2009-2010 school year for schools  
 1188 comprised of high school grades 9, 10, 11, and 12, or grades 10,  
 1189 11, and 12, the data listed in subparagraphs 1.-3. and the  
 1190 following data as the Department of Education determines such  
 1191 data are valid and available:

1192 a. The high school graduation rate of the school as  
 1193 calculated by the Department of Education;

1194 b. The participation rate of all eligible students  
 1195 enrolled in the school and enrolled in College Board Advanced  
 1196 Placement courses; International Baccalaureate courses; dual  
 1197 enrollment courses; Advanced International Certificate of  
 1198 Education courses; and courses or sequence of courses leading to  
 1199 industry certification, as determined by the Agency for  
 1200 Workforce Innovation under s. 1003.492(2) in a career and  
 1201 professional academy, as described in s. 1003.493;



1202 c. The aggregate scores of all eligible students enrolled  
 1203 in the school in College Board Advanced Placement courses,  
 1204 International Baccalaureate courses, and Advanced International  
 1205 Certificate of Education courses;

1206 d. Earning of college credit by all eligible students  
 1207 enrolled in the school in dual enrollment programs under s.  
 1208 1007.271;

1209 e. Earning of an industry certification, as determined by  
 1210 the Agency for Workforce Innovation under s. 1003.492(2) in a  
 1211 career and professional academy, as described in s. 1003.493;

1212 f. The aggregate scores of all eligible students enrolled  
 1213 in the school in reading, mathematics, and other subjects as  
 1214 measured by the SAT, the ACT, and the common placement test for  
 1215 postsecondary readiness;

1216 g. The high school graduation rate of all eligible at-risk  
 1217 students enrolled in the school who scored at Level 2 or lower  
 1218 on the grade 8 FCAT Reading and Mathematics examinations;

1219 h. The performance of the school's students on statewide,  
 1220 standardized end-of-course assessments administered under s.  
 1221 1008.22(3)(c)2.b. and c.; and

1222 i. The growth or decline in the data components listed in  
 1223 sub-subparagraphs a.-h. from year to year.

1224

1225 The State Board of Education shall adopt appropriate criteria  
 1226 for each school grade. The criteria must also give added weight  
 1227 to student achievement in reading. Schools designated with a  
 1228 grade of "C," making satisfactory progress, shall be required to  
 1229 demonstrate that adequate progress has been made by students in

PCB PT 10-01

ORIGINAL

2010

1230 the school who are in the lowest 25th percentile in reading and  
 1231 mathematics, ~~or writing~~ on the FCAT and end-of-course  
 1232 assessments, unless these students are exhibiting satisfactory  
 1233 performance. Beginning with the 2009-2010 school year for  
 1234 schools comprised of high school grades 9, 10, 11, and 12, or  
 1235 grades 10, 11, and 12, the criteria for school grades must also  
 1236 give added weight to the graduation rate of all eligible at-risk  
 1237 students, as defined in this paragraph. Beginning in the 2009-  
 1238 2010 school year, in order for a high school to be designated as  
 1239 having a grade of "A," making excellent progress, the school  
 1240 must demonstrate that at-risk students, as defined in this  
 1241 paragraph, in the school are making adequate progress.

1242 Section 14. Subsection (3) of section 1008.341, Florida  
 1243 Statutes, is amended to read:

1244 1008.341 School improvement rating for alternative  
 1245 schools.—

1246 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data  
 1247 used in determining an alternative school's school improvement  
 1248 rating shall include:

1249 (a) The aggregate scores on statewide assessments  
 1250 administered under s. 1008.22 for ~~of~~ all eligible students who  
 1251 were assigned to and enrolled in the school during the October  
 1252 or February FTE count, ~~who have been assessed on the FCAT,~~ and  
 1253 who have ~~FCAT~~ ~~or~~ comparable scores for the preceding school  
 1254 year.

1255 (b) The aggregate scores on statewide assessments  
 1256 administered under s. 1008.22 for ~~of~~ all eligible students who  
 1257 were assigned to and enrolled in the school during the October

PCB PT 10-01

ORIGINAL

2010

1258 or February FTE count, ~~who have been assessed on the FCAT~~ and  
 1259 who have scored in the lowest 25th percentile of students in the  
 1260 state on FCAT Reading.

1261  
 1262 The assessment scores of students who are subject to district  
 1263 school board policies for expulsion for repeated or serious  
 1264 offenses, who are in dropout retrieval programs serving students  
 1265 who have officially been designated as dropouts, or who are in  
 1266 programs operated or contracted by the Department of Juvenile  
 1267 Justice may not be included in an alternative school's school  
 1268 improvement rating.

1269 Section 15. Subsection (4) of section 1008.36, Florida  
 1270 Statutes, is amended to read:

1271 1008.36 Florida School Recognition Program.—

1272 (4) All selected schools shall receive financial awards  
 1273 depending on the availability of funds appropriated and the  
 1274 number and size of schools selected to receive an award. Funds  
 1275 must be distributed to the school's fiscal agent and placed in  
 1276 the school's account and must be used for purposes listed in  
 1277 subsection (5) as determined jointly by the school's staff and  
 1278 school advisory council. If school staff and the school advisory  
 1279 council cannot reach agreement by ~~February~~ November 1, the  
 1280 awards must be equally distributed to all classroom teachers  
 1281 currently teaching in the school. Beginning with the 2009-2010  
 1282 school year, if a school selected to receive a school  
 1283 recognition award is no longer in existence at the time the  
 1284 award is paid, the district school superintendent shall  
 1285 determine how the school recognition funds shall be used to

PCB PT 10-01

ORIGINAL

2010

1286 support the district in accordance with subsection (5).

1287

1288 Notwithstanding statutory provisions to the contrary, incentive  
1289 awards are not subject to collective bargaining.

1290 Section 16. This act shall take effect July 1, 2010.

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB PT 10-01                      Public School Assessments  
**SPONSOR(S):** PreK-12 Policy Committee  
**TIED BILLS:**                                      **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee		Duncan <i>pdd</i>	Ahearn <i>AA</i>
1)				
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

The Proposed Committee Bill (PCB) specifies geometry and Algebra II as two of the four mathematics credits needed for graduation and specifies Biology I and chemistry or physics as two of the three science credits needed for graduation. For students selecting the accelerated college preparatory or career preparatory graduation options, the PCB increases the required mathematics credits from three to four credits.

The PCB requires end-of-course (EOC) assessments to be administered in the following courses:

- Algebra I. Beginning with students entering grade 9 in the 2011-2012 school year, passage of the EOC assessment is required to pass the course and earn course credit.
- Geometry. Beginning with students entering grade 9 in the 2012-2013 school year, passage of the EOC assessment is required to pass the course and earn course credit.
- Biology I. Beginning with students entering grade 9 in the 2012-2013 school year, passage of the EOC assessment is required to pass the course and earn course credit.

The PCB eliminates grade 9 and grade 10 FCAT Mathematics and FCAT Science at the high school level.

The PCB eliminates requirements for a revised FCAT Writing beginning with the 2012-2013 school year. The current FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels as provided in current law.

The PCB directs the Commissioner of Education to develop an implementation schedule for the development and administration of additional EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United State history, and world history, subject to funding availability. A student's performance on these statewide, standardized EOC assessments must constitute at least 30 percent of the student's course grade.

The PCB authorizes use of equivalent scores for EOC assessments and allows a high school student who fails an EOC assessment to receive a grade of "I" in the course until the next administration of the EOC assessment. The PCB requires the State Board of Education to establish two cut scores for EOC assessments: passing scores and scores indicating high achievement and potential to meet college-readiness standards. The PCB defines achievement levels 1 through 5 and revises testing schedules for EOC assessments.

The PCB requires high schools to provide acceleration courses and advise students of such courses.

See the FISCAL COMMENTS section of this analysis.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** pcb01.PT.doc  
**DATE:** 2/10/2010

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Standards and Assessments

According to the Southern Regional Education Board, the purpose of high school is not only to graduate students, but to prepare them for responsible citizenship and their next step — a bachelor's or associate's degree, transfer study, a career/technical degree or certificate, a career program, employment, or the military.<sup>1</sup>

Being college-ready means a high school graduate has the reading, writing and math knowledge and skills to qualify for and succeed in entry-level, credit-bearing, college-degree courses without the need for remedial classes. Similarly, being career-ready — ready to enter and advance in a job or succeed

in training for a good job — means that high school graduates can read, comprehend, interpret, and analyze complex technical materials, can use mathematics to solve problems in the workplace, and can pass a state-approved industry certification or licensure exam in their field.<sup>2</sup>

According to information received from the American Diploma Project (ADP), 55 percent of all students entering Florida's public postsecondary institutions require remediation in math, reading, and/or writing. In 2005-2006, the total cost of postsecondary remediation was \$129.8 million, with the state paying more than half of these costs (\$70 million). Also, employers estimate that 45 percent of recent high school graduates lack the skills to advance.<sup>3</sup>

To cover the content necessary to be college- and career-ready, students need to complete a rigorous sequence of courses, which, according to ADP, includes four courses in mathematics covering Algebra I and II, geometry, and a fourth course such as statistics or precalculus. Florida's graduation requirements do not currently meet these standards.

In addition, studies show that low-achieving students fail less often in rigorous courses;<sup>4</sup> that if high

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<sup>1</sup> Southern Regional Education Board, *The Next Generation of School Accountability: A Blueprint for Raising High School Achievement and Graduation Rates in SREB States*, 2009, at 9.

<sup>2</sup> *Id.*

<sup>3</sup> Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

<sup>4</sup> Cooney, Sondra and Gene Bottoms, Southern Regional Education Board, *Middle Grades to High School: Mending a Weak Link*, 2002, at 9.

schools had demanded more, graduates would have worked harder;<sup>5</sup> and that a majority of graduates would have taken harder courses.<sup>6</sup> Finally, research indicates that taking Algebra II is critical for both college and career.<sup>7</sup>

Over the past few years, more states are using end-of-course (EOC) assessments to measure student performance at the high school level. The results of EOC assessments can provide more specific information about student performance. Schools can use the results to determine more exactly what specific course content and skills students have mastered, and what they have not.<sup>8</sup> Calling a course biology or Algebra I does not ensure a common level of content from one classroom to the next. Implementing statewide, standardized EOC assessments serves as a means of consistently evaluating the rigor of content in high school courses across a state.<sup>9</sup>

In testimony provided during the January 13, 2010, meeting of the Florida House of Representatives PreK-12 Policy Committee, the President of the Southern Regional Education Board stressed the importance of transitioning to EOC assessments methodically and over a period of time. He also emphasized the importance of introducing a small number of EOC assessments and limiting EOC assessments to courses such as Algebra I and Biology I.

## **Statewide Assessment Program**

### **Current Law**

#### ***Florida Comprehensive Assessment Test (FCAT)***

The FCAT is a part of the statewide assessment program, which measures a student's content knowledge and skills and the achievement of the benchmarks contained in Florida's Next Generation Sunshine State Standards.<sup>10</sup> The FCAT consists of criterion-referenced tests in reading, writing, mathematics, and science.<sup>11</sup>

Comprehensive assessments of reading and mathematics must be administered annually in grades 3 through 10. Comprehensive assessments of writing and science are administered at least once at the elementary, middle, and high school levels.<sup>12</sup> Students are tested in writing in grades 4, 8, and 10; reading and mathematics in grades 3 through 10; and science in grades 5, 8, and 11.<sup>13</sup>

In addition to earning credits in the required high school courses, students must also pass the reading and mathematics portions of the Grade 10 FCAT or attain concordant scores on either the SAT or American College Test (ACT) to receive a standard high school diploma.<sup>14</sup>

#### ***FCAT Writing***

Currently, FCAT Writing measures student writing proficiency and consists of a writing prompt randomly assigned to students in grades 4, 8, and 10.<sup>15</sup> Beginning with the 2012-2013 school year, FCAT Writing

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<sup>5</sup> Peter D. Hart Research Associates/Public Opinion Strategies, *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* Prepared for Achieve, Inc., 2005.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*; see also, *Achieve Report: Out of Many, One: Toward Rigorous Common Core Standards from the Ground Up*, July 2008, at 4.

<sup>8</sup> Southern Regional Education Board, *The Changing Roles of Statewide High School Exams*, 2007, at p. 17. Available at [http://www.sreb.org/page/1095/high\\_schools.html](http://www.sreb.org/page/1095/high_schools.html) (last visited January 20, 2010).

<sup>9</sup> Education Commission of the States, *High School Level STEM Initiatives*, 2008. Available at <http://mb2.ecs.org/reports/Report.aspx?id=1409> (last visited January 20, 2010).

<sup>10</sup> s. 1008.22(3)(c), F.S.; See Florida Department of Education, FCAT Frequently Asked Questions. Available at <http://www.fldoe.org/faq/default.asp?Dept=179&Cat=95> (last visited January 20, 2010).

<sup>11</sup> s. 1008.22(3)(c), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Florida Department of Education. FCAT Fact Sheet, 2008. Available at <http://fcats.fldoe.org/fcatpub3.asp> and Rule 6A-1.09422(3)(a), F.S.

<sup>14</sup> s. 1003.428(4)(b) and s. 1003.429(5)(a), F.S.

<sup>15</sup> Florida Department of Education, Office of Assessment, *Writing Assessment in Florida*, February 2010.

must be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which must measure a student's content knowledge of writing, including but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, and parts of speech.<sup>16</sup>

Florida, represented by the Department of Education (DOE), is partnering with the Common Core State Standards Initiative to develop a common core of state standards in English-language arts and mathematics for grades K-12.<sup>17</sup> It is anticipated that the transition to the Common Core Standards for Writing will begin in the 2011-2012 school year and a common core assessment will be available by the 2014-2015 school year.<sup>18</sup>

### **End-Of-Course (EOC) Assessments**

Current law authorizes an EOC assessment for a subject to be administered in addition to the comprehensive assessments required for that subject. An EOC assessment must be rigorous, statewide, standardized, and developed or approved by the DOE. The content knowledge and skills assessed by comprehensive and EOC assessments must be aligned to the core curricular content established in the Sunshine State Standards.<sup>19</sup>

The Commissioner of Education (COE) may select one or more nationally developed comprehensive examinations for use as an EOC assessment, including but not limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications, if the COE determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards.<sup>20</sup> To date, the COE has not selected any examinations for use as an EOC assessment.

The COE is authorized to collaborate with the American Diploma Project in the adoption or development of rigorous EOC assessments that are aligned to the Next Generation Sunshine State Standards.<sup>21</sup>

The DOE is conducting field test<sup>22</sup> administrations of Algebra I and geometry EOC assessments during the current 2009-2010 school year and plans to field test a Biology I EOC assessment during the 2010-2011 school year.<sup>23</sup>

### **Achievement Levels**

FCAT Achievement Levels are based on both scale scores and developmental scale scores<sup>24</sup> and

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<sup>16</sup> *Id.*

<sup>17</sup> The Common Core State Standards Initiative is a state-led effort coordinated by the National Governors Association Center for Best Practices and the Council of Chief State School Officers. The Governors and commissioners of education from 48 states and 2 territories and the District of Columbia are participating in the initiative. See <http://www.corestandards.org/>.

<sup>18</sup> Florida Department of Education, Office of Assessment, *Writing Assessment in Florida*, February 2010.

<sup>19</sup> s. 1008.22(3)(c), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Field-test questions are newly-developed questions that are being tried out before they can be used on a future test. Field-test questions must be tried out at least one year before they are used to decide a student's score. If the data on the field-test questions are acceptable, then the questions may be used on an actual test and count toward a student's score.

<http://www.fldoe.org/faq/default.asp?Dept=202&ID=656> (last visited January 21, 2010).

<sup>23</sup> Florida Department of Education, Office of Assessment, *Transition to Next Generation and Computer-Based Tests in Florida: Plans Currently Included in the FCAT Contract*, January 2010. Field test administrations will occur in a sample of high schools.

<sup>24</sup> Scale scores are reported for all FCAT Sunshine State Standards (SSS) subjects, except FCAT Writing, and range from 100 (lowest) to 500 (highest). Developmental Scale Scores (DSS) are only reported for FCAT SSS Reading and Mathematics and range from 0 to 3000 across grades 3 through 10. DSS link two years of student FCAT data that track student progress over time. Students should receive higher scores as they move from grade to grade according to their increased achievement. See Rule 6A-1.09422(5), F.A.C. and <http://www.fcata.fldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.



range from Level 1 (lowest) to Level 5 (highest).<sup>25</sup> Scores on FCAT Writing are reported on a score scale from 1 to 6 defined by the FCAT Writing holistic rubrics.<sup>26</sup>

### **Passing Scores**

The State Board of Education (SBE), by rule, establishes the passing scores for statewide assessments. If the COE revises a statewide assessment and the revisions require the SBE to modify the assessment's proficiency levels or modify the passing scores required for a standard high school diploma, until the SBE adopts the modifications by rule, the COE must use calculations for scoring the assessment which adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment.<sup>27</sup> A student must attain the passing scores on the statewide assessment required for a standard high school diploma which are in effect at the time the student enters grade 9 if the student's enrollment is continuous.<sup>28</sup>

Should the COE revise a statewide assessment and the revisions require the SBE to modify the passing scores required for a standard high school diploma, the COE is authorized to, with approval of the SBE, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. The SBE must adopt, by rule, passing scores for the revised assessment which are statistically equivalent to passing scores on the discontinued assessment for a student to attain passing scores on the discontinued assessment.<sup>29</sup>

### **Concordant Scores**

The SBE is required to analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT and College Placement Test, to assess if concordant scores can be determined for high school graduation, college placement and scholarship awards.

If a student fails to attain passing scores on the Grade 10 FCAT, the student may attain concordant scores on either the SAT or ACT.<sup>30</sup> A student must take each subject area of the Grade 10 FCAT a total of three times without earning a passing score in order to use concordant scores from the SAT or ACT. A new student entering the Florida public school system in the 12<sup>th</sup> grade may use a concordant score without taking the FCAT.<sup>31</sup> Current law does not address whether students who take the SAT or ACT tests and achieve a concordant score *prior* to taking the Grade 10 FCAT are allowed to use that score to satisfy graduation requirements.

### **Assessment Administration Schedule**

The COE is required to establish schedules for the administration of statewide assessments and the reporting of student test results. By August 1 of each year, the COE must notify each school district in writing and publish on the DOE's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year.<sup>32</sup>

The testing and reporting schedules must require the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible based on the available technology and funding; however, test results must be made available no later than the final day of the regular school year for students.<sup>33</sup>

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<sup>25</sup> <http://www.fcattldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

<sup>26</sup> Rule 6A-1.09422, F.A.C.

<sup>27</sup> s. 1008.22(9)(a), F.S.

<sup>28</sup> s. 1008.22(9)(b), F.S.

<sup>29</sup> s. 1008.22(9)(c), F.S.

<sup>30</sup> s. 1008.22(10), F.S.

<sup>31</sup> s. 1008.22(10), F.S.

<sup>32</sup> s. 1008.22(3)(c)12., F.S.

<sup>33</sup> s. 1008.22(3)(c)12.a., F.S.

Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing cannot be administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject cannot be administered earlier than the week of April 15.<sup>34</sup>

A statewide, standardized EOC assessment is required to be administered within the last two weeks of the course.<sup>35</sup>

### ***Waiver of FCAT for Certain Students***

School districts are required to provide instruction to prepare students with disabilities to demonstrate proficiency in the core content knowledge and skills necessary for such students to progress from grade-to-grade and to graduate from high school.<sup>36</sup>

For a student with a disability, if the individual education plan (IEP) committee determines that the FCAT cannot accurately measure a student's abilities, then the FCAT requirements must be waived for the purpose of receiving a standard high school diploma. In addition, in order for the FCAT requirement to be waived, the student must have completed the minimum number of credits and met the other requirements for high school graduation and must have taken FCAT reading and mathematics once in the 10<sup>th</sup> grade and once in the 11<sup>th</sup> grade.<sup>37</sup>

### **Effect of Proposed Changes**

#### ***Florida Comprehensive Assessment Test (FCAT)***

The PCB eliminates Grade 9 FCAT Mathematics, Grade 10 FCAT Mathematics, and FCAT Science administered at the high school level.

#### ***FCAT Writing***

The PCB removes the multiple performance tasks required for FCAT Writing beginning with the 2012-2013 school year, thereby avoiding the significant costs associated with developing a new assessment.<sup>38</sup> The current FCAT Writing will continue to be administered at least once at the elementary, middle, and high school levels as provided in current law.<sup>39</sup> It is anticipated that the Common Core Standards for Writing will be adopted in 2010 and the Common Core writing assessment will be available in the 2014-2015 school year; accordingly, developing a new writing assessment prior to possibly implementing the Common Core writing assessment would appear fiscally imprudent.<sup>40</sup>

#### ***End-of-Course (EOC) Assessments***

The EOC assessments must be phased in as follows:

##### ***Mathematics Courses***

- Algebra I

Beginning with the 2010-2011 school year, all students enrolled in Algebra I or an equivalent course must take the Algebra I EOC assessment.

For students entering grade 9 during the 2010-2011 school year, a student's performance on the EOC assessment in Algebra I will constitute 30 percent of the student's final course grade.

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<sup>34</sup> s. 1008.22(3)(c)12.b., F.S.

<sup>35</sup> s. 1008.22(3)(c)12.c., F.S.

<sup>36</sup> s. 1003.428(8)(a), F.S.

<sup>37</sup> s. 1003.428(8)(b), F.S.

<sup>38</sup> See *supra* text accompanying fn16.

<sup>39</sup> s. 1008.22(3)(c), F.S. and Rule 6A-1.09422, F.A.C.

<sup>40</sup> See *supra* text accompanying fn 18.

Beginning with students entering grade 9 in the 2011-2012 school year, a student must earn a passing score on the EOC assessment in Algebra I in order to *pass the course and earn course credit*.

- Geometry

Beginning with the 2010-2011 school year, all students enrolled in geometry or an equivalent course must take the geometry EOC assessment.

For students entering grade 9 during the 2010-2011 and 2011-2012 school years, a student's performance on the EOC assessment in geometry will constitute 30 percent of the student's final course grade.

Beginning with students entering grade 9 in the 2012-2013 school year, a student must earn a passing score on the EOC assessment in geometry in order to *pass the course and earn course credit*.

### *Science Course*

- Biology I

Beginning with the 2011-2012 school year, all students enrolled in Biology I or an equivalent course must take the Biology I EOC assessment.

For students entering grade 9 during the 2011-2012 school year, a student's performance on the EOC assessment in Biology I will constitute 30 percent of the student's final course grade.

Beginning with students entering grade 9 in the 2012-2013 school year, a student must earn a passing score on the EOC assessment in Biology I in order to *pass the course and earn course credit*.

The PCB directs the COE to establish an implementation schedule for the development and administration of statewide, standardized EOC assessments in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and world history, contingent upon funding provided in the General Appropriations Act, including appropriation of federal funds. The student's performance on these statewide, standardized EOC assessments must constitute at least 30 percent of a student's course grade.

Priority must be given to the development of an EOC assessment in English/Language Arts II. The COE is directed to evaluate the feasibility and effect of transitioning from the grade 9 and grade 10 FCAT Reading and high school level FCAT Writing to an EOC assessment in English/Language Arts II. The COE must report the results of the evaluation to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2011.

### ***Achievement Levels***

The PCB requires the use of achievement levels for all comprehensive and EOC assessments. FCAT Reading, Mathematics, and Science and all statewide, standardized EOC assessments must measure the content knowledge and skills a student has attained by use of scaled scores and achievement levels. Achievement levels range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.<sup>41</sup>

The PCB codifies the current practice of scoring FCAT Writing using the rubric scale ranging from 1 through 6 and incorporating scores earned in calculating school grades.

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<sup>41</sup> Currently, student performance on FCAT Reading, Mathematics, and Science are evaluated using the five achievement levels; however, current law does not identify or define the five levels.

### ***Passing Scores, Including Scores Indicating High Achievement***

The SBE is required to designate passing scores for EOC assessments.<sup>42</sup> In addition, the PCB also requires the SBE to designate, by rule, a score for each statewide, standardized EOC assessment which indicates that a student is high achieving and has the potential to meet college-readiness standards by the time the student graduates from high school.

### ***Concordant and Equivalent Scores***

The PCB revises the use of concordant scores for the FCAT as follows:

- Requires the COE, rather than the SBE, to analyze the content and concordant data sets for high school achievement tests and to assess if concordant scores for FCAT scores can be determined for high school graduation only, rather than, in addition to, college placement and scholarship awards.
- Clarifies that concordant scores earned prior to taking the grade 10 FCAT are not eligible for use in fulfilling the student assessment requirement in order to obtain a standard high school diploma.<sup>43</sup>
- Provides that a student who has not earned a passing score on the grade 10 FCAT must participate in each retake of the assessment until the student earns a passing score on a concordant assessment.
- Removes the requirement that a student must take the grade 10 FCAT a total of three times without earning a passing score before concordant scores can be used to satisfy the assessment requirement for a standard high school diploma. The DOE maintains that the requirement to take and fail the FCAT three times prior to using a concordant score is frustrating for students and particularly difficult for students transferring into a Florida school district toward the end of grade 11 and in grade 12. The FCAT summer retakes were eliminated due to budget cuts, making it more difficult to retake the test.<sup>44</sup>

For EOC assessments, the PCB directs the COE to analyze the content and equivalent data sets for high school achievement tests such as the grade 10 Mathematics retakes until such retakes are discontinued, the PSAT, the PLAN, the SAT, the ACT, and the College Placement Test, to assess if equivalent scores for EOC assessment scores can be determined.

When content alignment and equivalent scores can be determined, the COE must adopt those scores as meeting the requirement to pass the EOC assessment and may adopt those scores as being sufficient to achieve additional purposes as determined by rule.

New equivalent scores must be established each time that assessment content or scoring procedures change for an EOC assessment or for a high school achievement test for which an equivalent score is determined. Equivalent scores earned before taking an EOC assessment for the first time may not be used to satisfy the requirement to pass the EOC assessment. Use of equivalent scores for purposes of

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<sup>42</sup> An EOC assessment must be field-tested and the following year the EOC assessment is administered to establish baseline performance data. The SBE will not establish a passing score for the baseline administration of the assessment because no comparison can be made. The baseline exam should be scored 1 to 100. Therefore, the raw score a student receives, e.g., 70 points, will be used as 30 percent of the student's grade. The teacher will average the raw score received on the EOC assessment with other performance and/or participation data, such as quizzes, classroom and homework assignments, and projects in order to determine a student's grade. When the EOC assessment is administered the following year, the SBE will establish a passing score and the range of scores for each of the five achievement levels.

<sup>43</sup> The DOE states that the purpose of this requirement is to maintain the integrity of each student's first attempt on the grade 10 FCAT. If a student has a concordant SAT/ACT score prior to taking the grade 10 FCAT, the student's motivation to pass the assessment will be diminished. In addition, allowing use of prior concordant scores erodes the NCLB requirement that students take a state comprehensive exam. Also, SAT/ACT and FCAT tests are modified at various times, thus a previously-earned "passing" score on the SAT/ACT may not accurately reflect "concordancy" with the current FCAT assessment.

<sup>44</sup> Conversation with the Department of Education staff concerning HB 7087 during the 2009 Legislative Session.

grade adjustment, grade forgiveness, or credit recovery is contingent upon and subject to school board rule.

### ***Assessment Testing Schedules***

The PCB specifies that FCAT test results must be made available no later than the week of June 8.

The PCB revises the EOC assessment testing schedule as follows:

- Changes the requirement that a statewide, standardized EOC assessment be administered within a two-week period by authorizing the EOC assessment to be administered during a three-week period at the end of a year-long course.
- Requires the COE to select a three-week period for the administration of the assessment in order to provide student results prior to the end of the course.
- Requires school districts to select one testing week within the three-week administration period for each EOC assessment.
- Requires the COE to determine the most appropriate testing dates, based on a school district's academic calendar, for EOC assessments administered at the end of a semester-long course.

The PCB requires that EOC assessment results be provided no later than one week after the school district completes testing for each course.

### ***Waivers of EOC Assessments for Certain Students***

Like current law regarding the FCAT, the PCB provides that if the individual education plan committee determines that an EOC assessment cannot accurately measure the abilities of a student with a disability, considering all allowable accommodations, then the results of the EOC assessment must be waived for the purpose of determining the student's course grade and credit.

Echoing current law with regard to the FCAT, the PCB authorizes the waiver of an EOC assessment for students in exceptional education programs and students who have limited English proficiency.

### **High School Credit Requirements**

#### **Current Law**

#### ***24-Credit Graduation Option***

To graduate from high school and receive a standard diploma, students must complete an accelerated college or career preparatory program,<sup>45</sup> an International Baccalaureate (IB) curriculum, an Advanced International Certificate of Education (AICE) curriculum, or earn 24 credits in required courses and pass the Grade 10 FCAT.<sup>46</sup> Of the 24 credits, 16 credits are core curriculum credits comprised of: four credits in English; four credits in mathematics; three credits in science; three credits in social studies; one credit in fine or performing arts, speech and debate, or a practical arts course; and one credit in physical education to include integration of health.<sup>47</sup>

#### ***Mathematics Courses***

Of the four credits required in mathematics, one must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

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<sup>45</sup> See text accompanying *infra* notes 53, 54, and 55.

<sup>46</sup> s. 1003.428(4)(b), F.S., and s. 1008.22(3)(c), F.S.

<sup>47</sup> s. 1003.428(1), F.S.

There are several options available for students to meet the mathematics credit requirements. Courses equivalent to Algebra I include Algebra Ia and Ib, Applied Math I and Math II and pre-AICE Math I. In addition, there are a series of integrated mathematics courses (Integrated Math I and II) that incorporate Algebra I and II and geometry. Courses equivalent to Algebra II are Integrated Math II and III. Courses equivalent to geometry include Informal Geometry, Analytical Geometry, and Analytical Geometry IB. Algebra I, geometry, and Algebra II all have equivalent honors level courses.<sup>48</sup>

In 2008-2009, 59 percent of grade 9 students were enrolled in Algebra I or an equivalent and 27 percent of grade 8 students were enrolled in Algebra I or an equivalent. In 2008-2009, 47 percent of grade 10 students were enrolled in geometry or an equivalent and 21 percent of grade 9 students were enrolled in geometry or an equivalent.<sup>49</sup>

### *Science Courses*

Of the three credits required in science, two must have a laboratory component. However, no specific science courses are identified.<sup>50</sup>

Courses equivalent to Biology I include Integrated Science 3, AICE Biology I, Advance Placement (AP) Biology, and Biology I Pre-IB. There are also Biology I Honors and Integrated Science 3 Honors courses.<sup>51</sup> In 2008-2009, 46 percent of grade 10 students were enrolled in biology or an equivalent and 33 percent of grade 9 students were enrolled in biology or an equivalent.<sup>52</sup>

### **Accelerated High School Graduation**

In addition to the traditional 24-credit/4-year option, students may choose an accelerated 18-credit/3-year College Preparatory Program option or an accelerated 18-credit/3-year Career Preparatory Program option. Students choosing one of these options must also pass the grade 10 FCAT in reading and mathematics or attain concordant scores on either the SAT or the ACT.<sup>53</sup>

Students selecting an accelerated 18-credit/3-year College Preparatory Program must complete three credits in mathematics at the Algebra I level or higher that qualify for state university admission and three credits in electives.<sup>54</sup>

Students selecting an accelerated 18-credit/3-year Career Preparatory Program must complete three credits in mathematics, one of which must be Algebra I and two credits in electives.<sup>55</sup>

### **Course Credit**

For the purpose of meeting high school graduation requirements, "one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards."<sup>56</sup> For a district school authorized to implement block scheduling by the district school board, one full credit means a minimum of 120 hours of actual instruction.<sup>57</sup>

In awarding credit for high school graduation, each district school board must maintain a one-half credit earned system that must include courses provided on a full-year basis. "A student enrolled in a full-year course [must] receive one-half credit if the student successfully completes either the first half or the

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<sup>48</sup> Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

<sup>49</sup> *Id.*

<sup>50</sup> s. 1003.428(2)(a), F.S.

<sup>51</sup> Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

<sup>52</sup> *Id.*

<sup>53</sup> s. 1003.428, 1003.429 and s. 1003.43, F.S.

<sup>54</sup> s. 1003.429(1)(b)2.& 6., F.S.

<sup>55</sup> s. 1003.429(1)(c)2.& 6., F.S.

<sup>56</sup> s. 1003.436(1)(a), F.S.

<sup>57</sup> s. 1003.436(1), F.S.

second half of a full-year course, but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would *not result in a passing grade*.<sup>58</sup>

A student enrolled in a full-year course must receive a full credit if the student successfully completes either the first half or the second half of a full-year course, but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would result in a *passing grade*, provided that such additional requirements specified in district school board policies, such as class attendance, homework, participation, and other indicators of performance, are successfully completed by the student.<sup>59</sup>

### ***Transfer of Credits and Grades Earned***

Each school principal is required to maintain a permanent cumulative record for each student enrolled in a public K-12 school.<sup>60</sup> The SBE, by rule, prescribes the procedures relating to transferring and maintaining records of students who transfer from school to school and procedures relating to the acceptance of transfer work and credit for students.<sup>61</sup> Credits and grades earned and offered for acceptance must be based on official transcripts and must be accepted at face value subject to validation if necessary.<sup>62</sup>

### ***Grade of "Incomplete"***

Current law defines the letter grades "A," "B," "C," "D," and "F" for students in public school in grades 6-12. Current law provides that Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."<sup>63</sup> Policies for use of Grade "I" vary by school district.<sup>64</sup>

### ***Middle Grades Students Enrolled in High School Level Courses***

Each middle school must offer at least one high school level mathematics course for which students may earn high school credit.<sup>65</sup> In 2008-2009, 63,178 grade 8 students were enrolled in Algebra I or an equivalent and 13,648 grade 7 students were enrolled in Algebra I or an equivalent.<sup>66</sup> In 2008-2009, 8,834 grade 8 students were enrolled in geometry or an equivalent and 87 grade 7 students were enrolled in geometry or an equivalent.<sup>67</sup>

### **Effect of Proposed Changes**

#### ***24-Credit Graduation Option***

The PCB modifies the 24-credit high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively.

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<sup>58</sup> s. 1003.436(2), F.S., emphasis added.

<sup>59</sup> *Id.*

<sup>60</sup> s. 1003.25(1), F.S.

<sup>61</sup> s. 1003.25, F.S. See Rule 6A-1.09941(1), F.A.C., and Rule 6A-1.09942(1), F.A.C.

<sup>62</sup> Rule 6A-1.09941(1), F.A.C. and Rule 6A-1.09942(1), F.A.C.

<sup>63</sup> s. 1003.437, F.S.

<sup>64</sup> Conversation with Florida Department of Education staff on November 24, 2009.

<sup>65</sup> s. 1003.4156(1)(a)2., F.S.

<sup>66</sup> Information provided by staff at the Department of Education to the House PreK-12 Policy Committee meeting on January 20, 2010.

<sup>67</sup> *Id.*

The PCB provides the following schedule for the requirement of specific courses:

#### *Mathematics Courses*

Beginning with students entering grade 9 in the 2010-2011 school year

- In addition to Algebra I, one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.<sup>68</sup>

Beginning with students entering grade 9 in the 2012-2013 school year

- In addition to Algebra I and geometry, one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.

#### *Science Courses*

Beginning with students entering grade 9 in the 2011-2012 school year

- One of the three science credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE.<sup>69</sup>

Beginning with students entering grade 9 in the 2013-2014 school year

- In addition to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the SBE.

#### ***Accelerated High School Graduation Options***

The PCB modifies the 18-credit accelerated college preparatory and career preparatory high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The PCB also increases the required mathematics credits from three to four.

#### *Mathematics Courses*

Beginning with students entering grade 9 in the 2010-2011 school year

- In addition to Algebra I, one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.<sup>70</sup>

Beginning with students entering grade 9 in the 2012-2013 school year

- In addition to Algebra I and geometry, one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.

#### *Science Courses*

Beginning with students entering grade 9 in the 2011-2012 school year

- One of the three science credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE.<sup>71</sup>

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<sup>68</sup> See discussion of End-of-Course (EOC) Assessments in this analysis at pp. 6-7.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*



Beginning with students entering grade 9 in the 2013-2014 school year

- In addition to Biology I, one credit must be chemistry or physics or a series of courses equivalent to chemistry or physics as approved by the SBE.

For the accelerated college preparatory graduation option the PCB reduces electives from three to two credits and for the career preparatory graduation option the PCB reduces electives from two credits to one credit.

### ***Online Courses***

Beginning with students entering grade 9 in the 2013-2014 school year, one of the credits under the 24-credit or 18-credit options must contain online learning. The requirement must be met through an online course offered by the Florida Virtual School, a course offered by the high school that significantly integrates online content, or an online dual enrollment course offered pursuant to a district interinstitutional articulation agreement.<sup>72</sup> A student who is enrolled in a full-time virtual instruction program under s. 1002.45, F.S., is considered to have met this requirement.<sup>73</sup>

### ***Course Credit***

When, under the PCB, a student is required to pass the EOC assessment to pass the course (i.e., Algebra I, geometry, and Biology I), a student who successfully completes the first half a year long course, but fails the EOC assessment, may not earn a full credit in the course regardless of whether averaging the grades obtained in each would result in a passing grade. However, the student may earn a half credit as provided in current law.<sup>74</sup>

### ***Transfer of Credits and Grades Earned***

The PCB clarifies the provisions regarding the uniform procedures required for the transfer of credits and grades earned by students entering Florida's public schools. The PCB requires credits and grades earned in courses, including those courses that, in Florida, require a statewide, standardized EOC assessment, to be accepted at face value and based on official transcripts, subject to validation procedures established by rule.

### ***Grade of "Incomplete"***

The PCB specifically authorizes a high school student who fails to pass an EOC assessment to receive a grade "I" in the course until the next administration of the EOC assessment. If the student passes the EOC assessment, a grade must be substituted. The grade "I" may be given if the student substantially knows and understands the course curriculum.

### ***Middle Grades Students Enrolled in High School Level Courses***

For purposes of middle grades promotion, a student's successful completion of a high school level Algebra I, geometry, or Biology I course is not contingent upon the student's performance on the EOC assessment. However, the student is required to pass the EOC assessment in an Algebra I, geometry, or Biology I course in order to receive high school credit.

Middle grades students who earn a high school credit in Algebra I or geometry before the 2010-2011 school year are not required to meet the EOC assessment requirements. In addition, middle grade students who earn a high school credit in Biology I before the 2011-2012 school year are not required to meet the EOC assessment requirements.

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<sup>72</sup>s. 1007.235, F.S., establishes district interinstitutional articulation agreements.

<sup>73</sup>s. 1002.45, F.S., establishes the school district virtual instruction programs.

<sup>74</sup>s. 1003.436, F.S.

## School Grades

### Current Law

All public schools, including charter schools, which have at least 30 students with valid FCAT scores in reading for the current and prior years and at least 30 students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.<sup>75</sup> Student achievement data from the FCAT are used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state.<sup>76</sup>

Currently, 50 percent of a high school's grade is based upon a combination of:

- Student achievement scores on FCAT, i.e., reading, writing, mathematics, and science;
- Student learning gains as measured by annual FCAT assessments in reading and mathematics; and
- "Improvement of the lowest 25<sup>th</sup> percentile of students in the school in reading, mathematics, or writing on the FCAT, unless these students are exhibiting satisfactory performance."<sup>77</sup> Despite the statutory requirement, learning gains cannot be calculated for FCAT Writing because it is only administered once at the elementary, middle, and high school levels.

The remaining 50 percent is based upon the:

- High school's graduation rate;
- High school's graduation rate of at-risk students scoring at achievement Level 1 or 2 in reading and mathematics on the Grade 8 FCAT;
- Performance and participation of the school's students in AP, IB, dual enrollment, and AICE courses (as valid data becomes available);<sup>78</sup>
- Achievement by the school's students of industry certification in a career and professional academy;<sup>79</sup>
- Postsecondary readiness of the school's students, as measured by the SAT, ACT, or the Common Placement Test;<sup>80</sup>
- Performance of the school's students on statewide, standardized EOC assessments approved by the DOE (as valid data becomes available); and
- Growth or decline in these components.<sup>81</sup>

<sup>75</sup> s. 1008.34(3)(a)1., F.S. and Rule 6A-1.09981(4), F.A.C.

<sup>76</sup> s. 1008.34, F.S.

<sup>77</sup> s. 1008.34(3)(b)1.c., F.S.

<sup>78</sup> See ss. 1007.27 & 1007.271, F.S. (articulated acceleration mechanisms, dual enrollment); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited January 21, 2010); International Baccalaureate, <http://www.ibo.org> (last visited January 21, 2010); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited January 21, 2010).

<sup>79</sup> See s. 1003.493, F.S.

<sup>80</sup> See s. 1008.30, F.S. (common placement test assesses the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution); *College Board, About the SAT*, <http://www.collegeboard.com/student/testing/sat/about.html> (last visited January 21, 2010); ACT, Inc., *The ACT Test*, <http://www.act.org/aap> (last visited January 21, 2010).

<sup>81</sup> s. 1008.34(3)(b)2. & (c)4., F.S.

In addition, a high school may not receive an "A" unless its at-risk students (scoring at achievement Level 1 or 2 in reading and mathematics on the grade 8 FCAT) make adequate progress.<sup>82</sup>

### **Effect of Proposed Changes**

The PCB includes student performance on EOC assessments as a component for determining a high school's grade. The PCB provides that a high school's grade is based on:

- Student achievement scores on FCAT Reading and Writing *and* adds performance on EOC assessments in Algebra I, geometry, and Biology I.<sup>83</sup>
- Student learning gains as measured by FCAT Reading *and* adds performance on Algebra I and geometry EOC assessments.
- Improvement of the lowest 25<sup>th</sup> percentile of students in FCAT Reading *and* adds performance on Algebra I and geometry EOC assessments.

An integral component of Florida's school accountability system, student learning gains, including improvement of a school's lowest 25<sup>th</sup> percentile of students, will continue to be calculated for EOC assessments.<sup>84</sup>

With respect to school grades, the requirement to include improvement of the school's lowest 25<sup>th</sup> percentile on FCAT Writing is removed because learning gains cannot be calculated since FCAT Writing is only administered once at the elementary, middle, and high school levels.

### **School Improvement Ratings**

#### **Current Law**

An alternative school that provides dropout prevention and academic intervention services receives a school improvement rating which is based on the aggregate test scores of all students enrolled in the school who have been assessed on the FCAT and who have FCAT scores or comparable scores for the preceding school year and all students enrolled in the school who have scored in the lowest 25<sup>th</sup> percentile of students in the state on FCAT Reading.<sup>85</sup>

#### **Effect of Proposed Changes**

The PCB includes performance of students on statewide, standardized EOC assessments as a factor in determining school improvement ratings.

### **Acceleration Courses**

#### **Current Law**

Current law authorizes a variety of articulated acceleration mechanisms for secondary<sup>86</sup> and postsecondary students attending public educational institutions. It is intended that articulated

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<sup>82</sup> s. 1008.34(3), F.S.

<sup>83</sup>The PCB authorizes additional statewide, standardized EOC assessments to be developed and administered, contingent upon the appropriation of funds, in English/Language Arts II, Algebra II, chemistry, physics, Earth/Space science, United States history, and World History. A student's performance on these EOC assessments constitutes at least 30 percent of a student's course grade. If these EOC assessments are developed and administered, then a high school's grade must be based upon the performance of a high school's students on statewide, standardized EOC assessments as part of the remaining 50 percent of the high school's total grade. *See* discussion of End-of-Course (EOC) Assessments in this analysis at pp. 6-7 and s. 1008.34(3)(b)4.h., F.S.

<sup>84</sup> Correspondence from staff of the Florida Department of Education and information provided by the Florida Department of Education, Division of Accountability, Research and Measurement, *Learning Gains Proposal for Florida EOC Assessments*, October 9, 2009.

<sup>85</sup> s. 1008.341, (2) and (3), F.S.

<sup>86</sup> Secondary schools are schools that primarily serve students in grades 6 through 12. *See* s. 1003.413, F.S.

acceleration mechanisms serve to reduce the time necessary for a student to complete the requirements associated with the receipt of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.<sup>87</sup>

Acceleration courses through which a high school student can earn postsecondary course credit include dual enrollment, AP, IB, AICE, and industry certification.<sup>88</sup> Credit earned through the Florida Virtual School also provides additional opportunities for acceleration.<sup>89</sup>

During the 2008-2009 school year, of the 474 schools with students in grades 9-12, 459, or 97 percent, had students who were enrolled in dual enrollment, AP, IB, or AICE.<sup>90</sup>

### **Effect of Proposed Changes**

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options<sup>91</sup> must be advised of the availability of IB, AICE, AP, dual enrollment, and industry certification courses, as well as the availability of course offerings through the Florida Virtual School.<sup>92</sup> Beginning with the 2011-2012 school year, each high school must offer an IB Program, AICE Program, or a combination of at least four courses in Advanced Placement or dual enrollment, including one course each in English, mathematics, science, and social studies. To meet this requirement school districts may utilize the course offerings provided by the Florida Virtual School or through authorized virtual instruction programs.<sup>93</sup>

## **Middle Grades Students Career and Education Planning**

### **Current Law**

In addition to other courses required for middle grades promotion, middle grades students are required to complete a course in career education planning in the 7<sup>th</sup> or 8<sup>th</sup> grade. The course must include educational planning using the online student advising system Florida Academic Counseling and Tracking for Students and must result in the completion of a personalized academic and career plan.<sup>94</sup>

### **Effect of Proposed Changes**

The PCB specifies that the personalized academic and career plan inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, and programs through which a high school student can earn college credit including the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, or industry certification.

## **Florida School Recognition Program**

### **Current Law**

The Florida School Recognition Program is a performance incentive program with criteria for outstanding faculty and staff in highly productive schools, as determined by designation of school grades. Selected schools receive financial awards depending on the availability of funds appropriated

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<sup>87</sup> s. 1007.27(1), F.S.

<sup>88</sup> See supra note 78.

<sup>89</sup> s. 1007.27(1), F.S.

<sup>90</sup> Florida Department of Education, PK-20 Data Warehouse, *2008-2009 Acceleration*, February 4, 2010.

<sup>91</sup> s. 1003.429(1)(b) and (c), F.S.

<sup>92</sup> The Florida Virtual School offers over 90 middle and high school courses, from general to honors courses, and 11 Advanced Placement classes. In addition, courses in foreign language, physical education, health, business, computer science, and FCAT and SAT prep are also offered by the virtual school. See s. 1002.37, F.S., and <http://www.fldoe.org/Schools/virtual-schools/faqs.asp>

<sup>93</sup> See supra note 73.

<sup>94</sup> s. 1003.4156(1)(a)5., F.S.

and the number and size of schools selected to receive an award. Funds must be distributed as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.<sup>95</sup>

### **Effect of Proposed Changes**

The PCB changes the date from November 1 to February 1 of each year for school staff and the school advisory council to reach an agreement on how school recognition funds will be distributed. Because school grades for high schools are not reported until fall, this gives school advisory councils an additional three months to determine how to distribute award funds.<sup>96</sup>

Beginning with the 2009-2010 school year, if a school selected to receive a school recognition award is no longer in existence at the time the award is paid, the district superintendent must determine how the school recognition funds must be used to support the district.

### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1003.25, F.S., relating to procedures for maintenance and transfer of student records.

**Section 2:** Amends s. 1003.413, F.S., relating to secondary school design, to delete obsolete references and conform cross-references.

**Section 3:** Amends s. 1003.4156, F.S., relating to middle grades promotion.

**Section 4:** Amends s. 1003.428, F.S., relating to the revised general requirements for high school graduation.

**Section 5:** Amends s. 1003.429, F.S., relating to accelerated high school graduation requirements.

**Section 6:** Creates s. 1003.4295, relating to acceleration courses.

**Section 7:** Amends s. 1003.437, F.S., relating to middle and high school grading system.

**Section 8:** Amends s. 1003.493, F.S., relating to career and professional academies to conform to changes made by the act.

**Section 9:** Amends s. 1007.35, F.S., relating to the Florida Partnership for Minority and Underrepresented Student Achievement to conform changes made by the act.

**Section 10:** Amends s. 1008.22, F.S., relating to the statewide student achievement testing program.

**Section 11:** Amends s. 1008.25, F.S., relating to public school student progression, to conform to changes made by the act.

**Section 12:** Amends s. 1008.30, F.S., relating the common placement test, to conform to changes made by the act.

**Section 13:** Amends s. 1008.34, F.S., relating to school grading system; school report cards; and district grade.

**Section 14:** Amends s. 1008.341, F.S., relating to school improvement rating for alternative schools.

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<sup>95</sup> s. 1008.36, F.S.

<sup>96</sup> Department of Education Bill Analysis on Senate Bill 2482, March 2, 2009, at 5.

**Section 15:** Amends s. 1008.36, F.S., relating to the Florida School Recognition Program.

**Section 16:** Provides an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This PCB does not appear to have an impact on state government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This PCB does not appear to have an impact on local government revenues.

2. Expenditures:

This PCB does not appear to have an impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The fiscal impact of this bill is indeterminate. Typically, the cost associated with administering a statewide, standardized assessment is approximately \$1 to \$1.5 million annually. EOC assessments in Algebra I and geometry will **replace** the Grade 9 and Grade 10 FCAT Mathematics and an EOC assessment in Biology I will **replace** FCAT Science at the high school level, which should offset annual administration costs.

However, there will be costs associated with transitioning from the Grade 9 and Grade 10 FCAT Mathematics and Grade 11 FCAT Science to Algebra I, geometry, and Biology I EOC assessments. The DOE is currently field-testing the Algebra I and geometry EOC assessments and plans for all EOC assessments to be computer-based tests. If this occurs, the administration of EOC assessments should result in a savings to the state over time.

By eliminating the requirement for a revised assessment in writing in 2012-2013, there should be a significant, yet indeterminate, amount of cost deferred to the state. According to DOE staff, the savings resulting from the elimination of FCAT Writing should help offset the cost associated with transitioning from the Grade 9 and Grade 10 FCAT Mathematics and the FCAT Science at the high school level to Algebra I, geometry, and Biology I EOC assessments.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The PCB does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The PCB does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The PCB does not appear to reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The PCB authorizes the State Board of Education to adopt rules for provisions relating to:

- Procedures for maintaining and transferring student records.
- Middle grade promotion requirements.
- High school graduation requirements.
- FCAT concordant scores.
- Statewide, standardized EOC assessments, including establishing passing scores and equivalent scores.
- Designation of school grades.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A

