

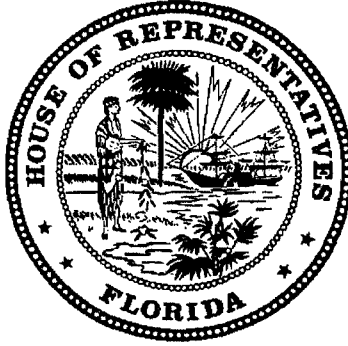


K - 12
Subcommittee
Wednesday, March 13, 2013
1:00 p.m. – 3:00 p.m.
17 HOB

Meeting Packet

Will Weatherford
Speaker

Janet H. Adkins
Chair



AGENDA

K-12 Subcommittee
Wednesday, March 13, 2013
1:00 p.m. – 3:00 p.m.
17 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill(s):
 - PCB KTS 13-03 An act relating to K-20 Education
- IV. Consideration of the following bill(s):
 - HB 21 Background Screening for Noninstructional Contractors on School Grounds by Perry
 - HB 127 Meetings of District School Boards by Stark
 - HB 295 American Founders' Month by Bileca
 - HB 609 Bullying in Public School System by Fullwood
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

(AMENDED 3/11/2013 3:41:36PM)

Amended(1)

K-12 Subcommittee

Start Date and Time: Wednesday, March 13, 2013 01:00 pm
End Date and Time: Wednesday, March 13, 2013 03:00 pm
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB KTS 13-03 -- An act relating to K-20 Education

Consideration of the following bill(s):

HB 21 Background Screening for Noninstructional Contractors on School Grounds by Perry
HB 127 Meetings of District School Boards by Stark
HB 295 American Founders' Month by Bileca
HB 609 Bullying in Public School System by Fullwood

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Tuesday, March 12, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, March 12, 2013.

NOTICE FINALIZED on 03/11/2013 15:41 by Gilliam.Ann

1 A bill to be entitled
 2 An act relating to K-20 education; amending s.
 3 1000.03, F.S.; providing for comprehensive K-20 career
 4 and education planning; amending s. 1000.21, F.S.;

5 providing a definition of Next Generation Sunshine
 6 State standards; amending s. 1002.3105, F.S.;

7 including rigorous industry certifications within the
 8 Academically Challenging Curriculum To Enhance
 9 Learning (ACCEL) options; amending s. 1002.33, F.S.;

10 making conforming changes; amending s. 1002.37, F.S.;

11 eliminating reduction of funding for FLVS if its
 12 students do not pass end-of-course assessments;

13 repealing s. 1002.375, F.S., relating to an
 14 alternative credit for high school courses pilot
 15 project; amending s. 1002.45, F.S.; eliminating
 16 reduction of funding for virtual instruction programs
 17 if students don not pass end-of-course assessments;

18 amending s. 1003.02, F.S.; conforming changes;

19 amending s. 1003.03, F.S.; providing reference to the
 20 early graduation option program; amending s. 1003.41,
 21 F.S.; providing requirements for Next Generation
 22 Sunshine State Standards; repealing s. 1003.413, F.S.,
 23 relating to the Florida Secondary School Redesign Act;

24 amending s. 1003.4156, F.S.; providing that the middle
 25 grades civics end-of-course assessment constitutes 30
 26 percent of the student's grade in the course;

27 providing conforming changes; providing requirements
 28 for the middle grades career and education planning

29 course; providing remediation flexibility for reading
 30 and mathematics; amending s. 1003.4203, F.S.;

31 providing, subject to available funding, for the
 32 creation of the Florida Cyber Security Recognition
 33 program, the Florida Digital Arts Recognition program,
 34 and the Florida Digital Tools Certificate; amending s.
 35 1003.428, F.S.; including financial literacy within
 36 the economics course required for high school
 37 graduation; removing duplicative language regarding
 38 honorably discharged veterans receiving a diploma;
 39 amending s. 1003.4281, F.S.; providing conforming
 40 changes; creating s. 1003.4282, F.S.; establishing the
 41 24 credit requirement for high school students
 42 beginning with incoming 9th graders in the 2013-2014
 43 school year; establishing college and career,
 44 industry, and scholar designations; providing for
 45 online course requirement, remediation, grade
 46 forgiveness, award of diploma including opt in
 47 provisions, transfer of high school credits, and
 48 career education courses that satisfy high school
 49 credit requirements; providing for the creation of a
 50 Postsecondary Industry Certification Funding List and
 51 related requirements; amending s. 1003.4285, F.S.;

52 providing for designations on a standard high school
 53 diploma; creating s. 1003.4286, F.S.; providing for
 54 the award of a standard high school diploma to
 55 honorably discharged veterans pursuant to rule;
 56 repealing s. 1003.429, F.S., relating to accelerated

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57 high school graduation options; amending s. 1003.4295,
 58 F.S.; conforming changes; repealing s. 1003.43, F.S.,
 59 relating to general requirements for high school
 60 graduation; amending s. 1003.433, F.S.; conforming
 61 changes; amending s. 1003.435, F.S.; repealing unused
 62 rulemaking authority; amending s. 1003.436, F.S.;
 63 providing a cross reference to the Credit Acceleration
 64 Program; amending s. 1003.438, F.S.; conforming
 65 changes; amending s. 1003.4935, F.S.; conforming
 66 changes; amending s. 1003.51, F.S.; conforming
 67 changes; amending s. 1003.621, F.S.; conforming
 68 changes; amending s. 1004.935, F.S.; conforming
 69 changes; amending s. 1007.271, F.S.; conforming
 70 changes; amending s. 1008.22, F.S.; providing a
 71 substantial rewrite of the student assessment program;
 72 providing for transition to common core assessment in
 73 English Language Arts and Mathematics; providing for
 74 end-of-course assessments; providing for students with
 75 disabilities, assessment scores and achievement
 76 levels, assessment schedules and reporting of results,
 77 prohibited activities, contracts for assessments,
 78 concordant and equivalent scores, local assessments,
 79 and analyses and reports; amending s. 1008.25, F.S.;
 80 providing for instructional sequencing of courses,
 81 including industry certifications, eliminating
 82 unfunded and inactive programs and requisite reporting
 83 requirements, and making conforming changes; amending
 84 s. 1008.30, F.S.; conforming changes; amending s.

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85 1008.34, F.S.; conforming changes; creating s.
 86 1008.44, F.S.; providing for industry certifications,
 87 industry certification funding list, and postsecondary
 88 industry certification funding list; amending s.
 89 1009.531, F.S.; conforming changes, amending s.
 90 1011.61, F.S.; eliminating reduction of funding for
 91 virtual instruction and regular instruction if
 92 students do not pass end-of-course assessments;
 93 amending s. 1012.22, F.S.; conforming changes;
 94 amending s. 1012.56, F.S.; conforming changes;
 95 amending s. 1001.42, authorizing a technical center
 96 governing board; providing an effective date.

97

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

99

100 Section 1. Paragraph (g) is added to subsection (5) of
 101 section 1000.03, Florida Statutes, to read:

102 1000.03 Function, mission, and goals of the Florida K-20
 103 education system.—

104 (5) The priorities of Florida's K-20 education system
 105 include:

106 (g) Comprehensive K-20 career and education planning.— It
 107 is essential that Florida's K-20 education system better prepare
 108 all students at every level for the transition from school to
 109 postsecondary education or work by providing information
 110 regarding:

111 1. Career opportunities, educational requirements
 112 associated with each career, educational institutions that

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113 prepare students to enter each career, and student financial aid
 114 available to pursue postsecondary instruction required to enter
 115 that career.

116 2. How to make informed decisions about the program of
 117 study that best addresses the students' interests and abilities
 118 while preparing them to enter postsecondary education or the
 119 workforce.

120 3. Recommended coursework and programs that prepare
 121 students for success in their areas of interest and ability.

122
 123 This information shall be provided to students and parents
 124 through websites, handbooks, manuals, or other regularly
 125 provided communications.

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

128 1000.21 Systemwide definitions.—As used in the Florida K-
 129 20 Education Code:

130 (7) ~~"Sunshine State Standards" or the "Next Generation~~
 131 ~~Sunshine State Standards" means the state's public K-12~~
 132 ~~curricular standards, including common core standards in English~~
 133 ~~Language Arts and Mathematics, adopted under s. 1003.41. The~~
 134 ~~term includes the Sunshine State Standards that are in place for~~
 135 ~~a subject until the standards for that subject are replaced~~
 136 ~~under s. 1003.41 by the Next Generation Sunshine State~~
 137 ~~Standards.~~

138 Section 3. Paragraph (b) of subsection (1) of section
 139 1002.3105, Florida Statutes, is amended to read:

140 1002.3105 Academically Challenging Curriculum to Enhance

141 Learning (ACCEL) options.-
 142 (1) ACCEL OPTIONS.-
 143 (b) At a minimum, each school must offer the following
 144 ACCEL options: whole-grade and midyear promotion; subject-matter
 145 acceleration; virtual instruction in higher grade level
 146 subjects; and the Credit Acceleration Program under s.
 147 1003.4295. Additional ACCEL options may include, but are not
 148 limited to, enriched science, technology, engineering, and
 149 mathematics ~~(STEM)~~ coursework; enrichment programs; flexible
 150 grouping; advanced academic courses; combined classes; self-
 151 paced instruction; curriculum compacting; advanced-content
 152 instruction; rigorous industry certifications that are
 153 articulated to college credit and approved pursuant to ss.
 154 1003.492 and 1008.44; work-related internships or
 155 apprenticeships; and telescoping curriculum.

156 Section 4. Paragraph (a) of subsection (7) of section
 157 1002.33, Florida Statutes, is amended to read:

158 1002.33 Charter schools.-

159 (7) CHARTER.-The major issues involving the operation of a
 160 charter school shall be considered in advance and written into
 161 the charter. The charter shall be signed by the governing board
 162 of the charter school and the sponsor, following a public
 163 hearing to ensure community input.

164 (a) The charter shall address and criteria for approval of
 165 the charter shall be based on:

166 1. The school's mission, the students to be served, and
 167 the ages and grades to be included.

168 2. The focus of the curriculum, the instructional methods

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169 to be used, any distinctive instructional techniques to be
170 employed, and identification and acquisition of appropriate
171 technologies needed to improve educational and administrative
172 performance which include a means for promoting safe, ethical,
173 and appropriate uses of technology which comply with legal and
174 professional standards.

175 a. The charter shall ensure that reading is a primary
176 focus of the curriculum and that resources are provided to
177 identify and provide specialized instruction for students who
178 are reading below grade level. The curriculum and instructional
179 strategies for reading must be consistent with the Next
180 Generation Sunshine State Standards and grounded in
181 scientifically based reading research.

182 b. In order to provide students with access to diverse
183 instructional delivery models, to facilitate the integration of
184 technology within traditional classroom instruction, and to
185 provide students with the skills they need to compete in the
186 21st century economy, the Legislature encourages instructional
187 methods for blended learning courses consisting of both
188 traditional classroom and online instructional techniques.
189 Charter schools may implement blended learning courses which
190 combine traditional classroom instruction and virtual
191 instruction. Students in a blended learning course must be full-
192 time students of the charter school and receive the online
193 instruction in a classroom setting at the charter school.
194 Instructional personnel certified pursuant to s. 1012.55 who
195 provide virtual instruction for blended learning courses may be
196 employees of the charter school or may be under contract to

197 provide instructional services to charter school students. At a
 198 minimum, such instructional personnel must hold an active state
 199 or school district adjunct certification under s. 1012.57 for
 200 the subject area of the blended learning course. The funding and
 201 performance accountability requirements for blended learning
 202 courses are the same as those for traditional courses.

203 3. The current incoming baseline standard of student
 204 academic achievement, the outcomes to be achieved, and the
 205 method of measurement that will be used. The criteria listed in
 206 this subparagraph shall include a detailed description of:

207 a. How the baseline student academic achievement levels
 208 and prior rates of academic progress will be established.

209 b. How these baseline rates will be compared to rates of
 210 academic progress achieved by these same students while
 211 attending the charter school.

212 c. To the extent possible, how these rates of progress
 213 will be evaluated and compared with rates of progress of other
 214 closely comparable student populations.

215

216 The district school board is required to provide academic
 217 student performance data to charter schools for each of their
 218 students coming from the district school system, as well as
 219 rates of academic progress of comparable student populations in
 220 the district school system.

221 4. The methods used to identify the educational strengths
 222 and needs of students and how well educational goals and
 223 performance standards are met by students attending the charter
 224 school. The methods shall provide a means for the charter school

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225 to ensure accountability to its constituents by analyzing
 226 student performance data and by evaluating the effectiveness and
 227 efficiency of its major educational programs. Students in
 228 charter schools shall, at a minimum, participate in the
 229 statewide assessment program created under s. 1008.22.

230 5. In secondary charter schools, a method for determining
 231 that a student has satisfied the requirements for graduation in
 232 s. 1003.428 or s. 1003.4282, ~~s. 1003.429, or s. 1003.43.~~

233 6. A method for resolving conflicts between the governing
 234 board of the charter school and the sponsor.

235 7. The admissions procedures and dismissal procedures,
 236 including the school's code of student conduct.

237 8. The ways by which the school will achieve a
 238 racial/ethnic balance reflective of the community it serves or
 239 within the racial/ethnic range of other public schools in the
 240 same school district.

241 9. The financial and administrative management of the
 242 school, including a reasonable demonstration of the professional
 243 experience or competence of those individuals or organizations
 244 applying to operate the charter school or those hired or
 245 retained to perform such professional services and the
 246 description of clearly delineated responsibilities and the
 247 policies and practices needed to effectively manage the charter
 248 school. A description of internal audit procedures and
 249 establishment of controls to ensure that financial resources are
 250 properly managed must be included. Both public sector and
 251 private sector professional experience shall be equally valid in
 252 such a consideration.

253 | 10. The asset and liability projections required in the
 254 | application which are incorporated into the charter and shall be
 255 | compared with information provided in the annual report of the
 256 | charter school.

257 | 11. A description of procedures that identify various
 258 | risks and provide for a comprehensive approach to reduce the
 259 | impact of losses; plans to ensure the safety and security of
 260 | students and staff; plans to identify, minimize, and protect
 261 | others from violent or disruptive student behavior; and the
 262 | manner in which the school will be insured, including whether or
 263 | not the school will be required to have liability insurance,
 264 | and, if so, the terms and conditions thereof and the amounts of
 265 | coverage.

266 | 12. The term of the charter which shall provide for
 267 | cancellation of the charter if insufficient progress has been
 268 | made in attaining the student achievement objectives of the
 269 | charter and if it is not likely that such objectives can be
 270 | achieved before expiration of the charter. The initial term of a
 271 | charter shall be for 4 or 5 years. In order to facilitate access
 272 | to long-term financial resources for charter school
 273 | construction, charter schools that are operated by a
 274 | municipality or other public entity as provided by law are
 275 | eligible for up to a 15-year charter, subject to approval by the
 276 | district school board. A charter lab school is eligible for a
 277 | charter for a term of up to 15 years. In addition, to facilitate
 278 | access to long-term financial resources for charter school
 279 | construction, charter schools that are operated by a private,
 280 | not-for-profit, s. 501(c)(3) status corporation are eligible for

281 up to a 15-year charter, subject to approval by the district
 282 school board. Such long-term charters remain subject to annual
 283 review and may be terminated during the term of the charter, but
 284 only according to the provisions set forth in subsection (8).

285 13. The facilities to be used and their location.

286 14. The qualifications to be required of the teachers and
 287 the potential strategies used to recruit, hire, train, and
 288 retain qualified staff to achieve best value.

289 15. The governance structure of the school, including the
 290 status of the charter school as a public or private employer as
 291 required in paragraph (12)(i).

292 16. A timetable for implementing the charter which
 293 addresses the implementation of each element thereof and the
 294 date by which the charter shall be awarded in order to meet this
 295 timetable.

296 17. In the case of an existing public school that is being
 297 converted to charter status, alternative arrangements for
 298 current students who choose not to attend the charter school and
 299 for current teachers who choose not to teach in the charter
 300 school after conversion in accordance with the existing
 301 collective bargaining agreement or district school board rule in
 302 the absence of a collective bargaining agreement. However,
 303 alternative arrangements shall not be required for current
 304 teachers who choose not to teach in a charter lab school, except
 305 as authorized by the employment policies of the state university
 306 which grants the charter to the lab school.

307 18. Full disclosure of the identity of all relatives
 308 employed by the charter school who are related to the charter

309 school owner, president, chairperson of the governing board of
 310 directors, superintendent, governing board member, principal,
 311 assistant principal, or any other person employed by the charter
 312 school who has equivalent decisionmaking authority. For the
 313 purpose of this subparagraph, the term "relative" means father,
 314 mother, son, daughter, brother, sister, uncle, aunt, first
 315 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 316 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 317 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 318 stepsister, half brother, or half sister.

319 19. Implementation of the activities authorized under s.
 320 1002.331 by the charter school when it satisfies the eligibility
 321 requirements for a high-performing charter school. A high-
 322 performing charter school shall notify its sponsor in writing by
 323 March 1 if it intends to increase enrollment or expand grade
 324 levels the following school year. The written notice shall
 325 specify the amount of the enrollment increase and the grade
 326 levels that will be added, as applicable.

327 Section 5. Paragraph (a) of subsection (3) and paragraph
 328 (b) of subsection (9) of section 1002.37, Florida Statutes, are
 329 amended to read:

330 1002.37 The Florida Virtual School.—

331 (3) Funding for the Florida Virtual School shall be
 332 provided as follows:

333 (a)1. For a student in grades 9 through 12, a "full-time
 334 equivalent student" is one student who has successfully
 335 completed six full-credit courses that count toward the minimum
 336 number of credits required for high school graduation. A student

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337 who completes fewer than six full-credit courses is a fraction
 338 of a full-time equivalent student. Half-credit course
 339 completions shall be included in determining a full-time
 340 equivalent student. Credit completed by a student in excess of
 341 the minimum required for that student for high school graduation
 342 is not eligible for funding.

343 2. For a student in kindergarten through grade 8, a "full-
 344 time equivalent student" is one student who has successfully
 345 completed six courses or the prescribed level of content that
 346 counts toward promotion to the next grade. A student who
 347 completes fewer than six courses or the prescribed level of
 348 content shall be a fraction of a full-time equivalent student.

349 ~~3. Beginning in the 2014-2015 fiscal year, when s.~~
 350 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~
 351 ~~students and associated funding of students enrolled in courses~~
 352 ~~requiring passage of an end-of-course assessment shall be~~
 353 ~~adjusted after the student completes the end-of-course~~
 354 ~~assessment. However, no adjustment shall be made for home~~
 355 ~~education program students who choose not to take an end-of-~~
 356 ~~course assessment.~~

357
 358 For purposes of this paragraph, the calculation of "full-time
 359 equivalent student" shall be as prescribed in s.
 360 1011.61(1)(c)1.b.(V).

361 (9)

362 (b) Public school students receiving part-time instruction
 363 by the Florida Virtual School in courses requiring statewide
 364 end-of-course assessments must take all statewide end-of-course

365 assessments required pursuant to s. 1008.22 ~~1008.22(3)(e)2~~.

366 Section 6. Section 1002.375, Florida Statutes, is
 367 repealed.

368 Section 7. Paragraph (b) of subsection (4) and paragraphs
 369 (e), (f), and (g) of subsection (7) of section 1002.45, Florida
 370 Statutes, are amended to read:

371 1002.45 Virtual instruction programs.—

372 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 373 provider must at minimum:

374 (b) Provide a method for determining that a student has
 375 satisfied the requirements for graduation in s. 1003.428 or s.
 376 1003.4282, s. 1003.429, or s. 1003.43 if the contract is for the
 377 provision of a full-time virtual instruction program to students
 378 in grades 9 through 12.

379 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
 380 FUNDING.—

381 ~~(e) Beginning in the 2014-2015 fiscal year, when s.~~
 382 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~
 383 ~~students and associated funding of students enrolled in courses~~
 384 ~~requiring passage of an end-of-course assessment shall be~~
 385 ~~adjusted after the student completes the end-of-course~~
 386 ~~assessment.~~

387 (e)-(f) The school district providing virtual instruction
 388 shall report full-time equivalent students for a virtual
 389 instruction program or a virtual charter school to the
 390 department in a manner prescribed by the department, and funding
 391 shall be provided through the Florida Education Finance Program.

392 (f)-(g) A Florida College System institution provider may

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393 not report students who are served in a virtual instruction
 394 program for funding under the Florida College System Program
 395 Fund.

396 Section 8. Paragraph (i) of subsection (1) of section
 397 1003.02, Florida Statutes, is amended to read:

398 1003.02 District school board operation and control of
 399 public K-12 education within the school district.—As provided in
 400 part II of chapter 1001, district school boards are
 401 constitutionally and statutorily charged with the operation and
 402 control of public K-12 education within their school district.
 403 The district school boards must establish, organize, and operate
 404 their public K-12 schools and educational programs, employees,
 405 and facilities. Their responsibilities include staff
 406 development, public K-12 school student education including
 407 education for exceptional students and students in juvenile
 408 justice programs, special programs, adult education programs,
 409 and career education programs. Additionally, district school
 410 boards must:

411 (1) Provide for the proper accounting for all students of
 412 school age, for the attendance and control of students at
 413 school, and for proper attention to health, safety, and other
 414 matters relating to the welfare of students in the following
 415 fields:

416 (i) Parental notification of acceleration options.—At the
 417 beginning of each school year, notify parents of students in or
 418 entering high school of the opportunity and benefits of advanced
 419 placement, International Baccalaureate, Advanced International
 420 Certificate of Education, dual enrollment, and Florida Virtual

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421 School courses and options for early ~~or accelerated high school~~
 422 graduation under s. ss. 1003.4281 and 1003.429.

423 Section 9. Paragraph (c) of subsection (3) of section
 424 1003.03, Florida Statutes, is amended to read:

425 1003.03 Maximum class size.—

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

430 (c)1. Repeal district school board policies that require
 431 students to earn have more than the 24 credits required under s.
 432 1003.428 to graduate from high school.

433 2. Implement the early graduation option provided under s.
 434 1003.4281. Adopt policies to allow students to graduate from
 435 high school as soon as they pass the grade 10 FCAT and complete
 436 the courses required for high school graduation.

437 Section 10. Section 1003.41, Florida Statutes, is amended
 438 to read:

439 (Substantial rewording of section. See
 440 s. 1003.41, F.S., for present text.)

441 1003.41 Next Generation Sunshine State Standards.—

442 (1) Next Generation Sunshine State Standards establish the
 443 core content of the curricula to be taught in the state and
 444 specify the core content knowledge and skills that K-12 public
 445 school students are expected to acquire. Standards must be
 446 rigorous and relevant and provide for the logical, sequential
 447 progression of core curricular content that incrementally
 448 increases a student's core content knowledge and skills over

449 time. Curricular content for all subjects must integrate
 450 critical-thinking, problem-solving, and workforce-literacy
 451 skills; communication, reading, and writing skills; mathematics
 452 skills; collaboration skills; contextual and applied-learning
 453 skills; technology-literacy skills; information and media-
 454 literacy skills; and civic-engagement skills. The standards must
 455 include distinct grade-level expectations for the core content
 456 knowledge and skills that a student is expected to have acquired
 457 by each individual grade level from kindergarten through grade
 458 8. The standards for grades 9 through 12 may be organized by
 459 grade clusters of more than one grade level except as otherwise
 460 provided for visual and performing arts, physical education,
 461 health, and foreign language standards.

462 (2) Next Generation Sunshine State Standards must meet the
 463 following requirements:

464 (a) English Language Arts standards must establish
 465 specific curricular content for, at a minimum, reading, writing,
 466 speaking and listening, and language standards.

467 (b) Science standards must establish specific curricular
 468 content for, at a minimum, the nature of science, earth and
 469 space science, physical science, and life science.

470 (c) Mathematics standards must establish specific
 471 curricular content for, at a minimum, algebra, geometry,
 472 statistics and probability, number and quantity, functions, and
 473 modeling.

474 (d) Social studies standards must establish specific
 475 curricular content for, at a minimum, geography, United States
 476 and world history, government, civics, humanities, and

477 economics, to include financial literacy. Financial literacy
 478 includes the knowledge, understanding, skills, behaviors,
 479 attitudes, and values that will enable a student to make
 480 responsible and effective financial decisions on a daily basis.
 481 Financial literacy instruction shall be an integral part of
 482 instruction throughout the entire economics course and include
 483 information regarding earning income; buying goods and services;
 484 saving and financial investing; taxes; the use of credit and
 485 credit cards; budgeting and debt management, including student
 486 loans and secured loans; banking and financial services;
 487 planning for one's financial future, including higher education
 488 and career planning; credit reports and scores; and fraud and
 489 identity theft prevention.

490 (e) Visual and performing arts, physical education,
 491 health, and foreign language standards must establish specific
 492 curricular content and include distinct grade-level expectations
 493 for the core content knowledge and skills that a student is
 494 expected to have acquired by each individual grade level from
 495 kindergarten through grade 5. The standards for grades 6 through
 496 12 may be organized by grade clusters of more than one grade
 497 level.

498 (3) The Commissioner of Education, as needed, shall
 499 develop and submit proposed revisions to the standards for
 500 review and comment by Florida educators, school administrators,
 501 representatives of the Florida College System institutions and
 502 state universities who have expertise in the content knowledge
 503 and skills necessary to prepare a student for postsecondary
 504 education and careers, leaders in business and industry, and the

505 public. The commissioner, after considering reviews and
 506 comments, shall submit the proposed revisions to the State Board
 507 of Education for adoption. In addition, the commissioner shall
 508 prepare an analysis of the costs associated with requiring
 509 financial literacy as a separate, one-half credit course,
 510 including estimated costs for instructional personnel, training,
 511 and the development or purchase of instructional materials. The
 512 commissioner shall provide the cost analysis to the President of
 513 the Senate and the Speaker of the House of Representatives by no
 514 later than October 1, 2013.

515 (4) The State Board of Education shall adopt rules to
 516 administer this section.

517 Section 11. Section 1003.413, Florida Statutes, is
 518 repealed.

519 Section 12. Section 1003.4156, Florida Statutes, is
 520 amended to read:

521 1003.4156 General requirements for middle grades
 522 promotion.—

523 (1) In order for a student to be promoted to high school
 524 ~~Promotion~~ from a school that includes ~~composed of~~ middle grades
 525 6, 7, and 8, requires that:

526 ~~(a)~~ (a) the student must successfully complete the following
 527 ~~academic~~ courses as follows:

528 ~~(a)1.~~ (a)1. Three middle grades ~~school~~ or higher courses in
 529 English Language Arts (ELA). ~~These courses shall emphasize~~
 530 ~~literature, composition, and technical text.~~

531 ~~(b)2.~~ (b)2. Three middle grades ~~school~~ or higher courses in
 532 mathematics. Each ~~middle~~ school that includes middle grades must

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533 offer at least one high school level mathematics course for
 534 which students may earn high school credit. Successful
 535 completion of a high school level Algebra I or Geometry course
 536 is not contingent upon the student's performance on the
 537 statewide, standardized end-of-course (EOC) assessment or, upon
 538 transition to common core assessments, the common core Algebra I
 539 or Geometry assessments required under s. 1008.22
 540 ~~1008.22(3)(c)2.a.(I)~~. However, beginning with the 2011-2012
 541 school year, to earn high school credit for ~~an~~ Algebra I ~~course~~,
 542 a middle grades school student must pass the Algebra I
 543 statewide, standardized end-of-course assessment, and beginning
 544 with the 2012-2013 school year, to earn high school credit for a
 545 Geometry course, a middle grades school student must take pass
 546 the statewide, standardized Geometry end-of-course assessment,
 547 which counts 30 percent of the student's final course grade, and
 548 earn a passing grade in the course.

549 ~~(c)3.~~ Three middle grades school or higher courses in
 550 social studies, ~~one semester of which must include the study of~~
 551 ~~state and federal government and civics education.~~ Beginning
 552 with students entering grade 6 in the 2012-2013 school year, one
 553 of these courses must be at least a one-semester civics
 554 education course ~~that a student successfully completes in~~
 555 ~~accordance with s. 1008.22(3)(c) and that includes the roles and~~
 556 responsibilities of federal, state, and local governments; the
 557 structures and functions of the legislative, executive, and
 558 judicial branches of government; and the meaning and
 559 significance of historic documents, such as the Articles of
 560 Confederation, the Declaration of Independence, and the

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561 Constitution of the United States. Beginning with the 2013-2014
 562 school year, each student's performance on the statewide,
 563 standardized EOC assessment in civics education required under
 564 s. 1008.22 constitutes 30 percent of the student's final course
 565 grade.

566 (d)4. Three middle grades school or higher courses in
 567 science. Successful completion of a high school level Biology I
 568 course is not contingent upon the student's performance on the
 569 statewide, standardized EOC end-of-course assessment required
 570 under s. 1008.22 ~~1008.22(3)(c)2.a.(II)~~. However, beginning with
 571 the 2012-2013 school year, to earn high school credit for a
 572 Biology I course, a middle grades school student must take pass
 573 the statewide, standardized Biology I EOC end-of-course
 574 assessment, which counts 30 percent of the student's final
 575 course grade, and earn a passing grade in the course.

576 (e)5. One course in career and education planning to be
 577 completed in 6th, 7th, or 8th grade. The course may be taught by
 578 any member of the instructional staff. At a minimum, the course
 579 must be Internet based, easy to use, and customizable to each
 580 student and include research-based assessments to assist
 581 students in determining educational and career options and
 582 goals. In addition, the course, must result in a completed
 583 personalized academic and career plan for the student; must
 584 emphasize the importance of entrepreneurship skills; must
 585 emphasize technology or the application of technology in career
 586 fields; and, beginning in the 2014-2015 academic year, must
 587 include information from the Department of Economic
 588 Opportunity's economic security report as described in s.

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589 445.07. The required personalized academic and career plan must
 590 inform students of high school graduation requirements,
 591 including a detailed explanation of the standard high school
 592 diploma designation options provided under s. 1003.4282; high
 593 school assessment and college entrance test requirements;;
 594 Florida Bright Futures Scholarship Program requirements;; state
 595 university and Florida College System institution admission
 596 requirements; available opportunities to, and programs through
 597 which a high school student can earn college credit in high
 598 school, including Advanced Placement courses, the International
 599 Baccalaureate program, the Advanced International Certificate of
 600 Education program, and dual enrollment, including career dual
 601 enrollment; and career education courses, including academy and
 602 career-themed courses course opportunities, and courses that
 603 lead to national industry certification.

604
 605 ~~A student with a disability, as defined in s. 1007.02(2), for~~
 606 ~~whom the individual education plan team determines that an end-~~
 607 ~~of-course assessment cannot accurately measure the student's~~
 608 ~~abilities, taking into consideration all allowable~~
 609 ~~accommodations, shall have the end-of-course assessment results~~
 610 ~~waived for purposes of determining the student's course grade~~
 611 ~~and completing the requirements for middle grades promotion.~~

612 Each school must inform parents about the course curriculum and
 613 activities. Each student shall complete a personal education
 614 plan that must be signed by the student and the student's
 615 parent. The Department of Education shall develop course
 616 frameworks and professional development materials for the career

617 and education planning course. The course may be implemented as
 618 a stand-alone course or integrated into another course or
 619 courses. The Commissioner of Education shall collect
 620 longitudinal high school course enrollment data by student
 621 ethnicity in order to analyze course-taking patterns.

622 (2)(b) ~~If For each year in which a middle grades student~~
 623 ~~scores at Level 1 or Level 2 on FCAT Reading or, when the state~~
 624 ~~transitions to common core assessments, on the English Language~~
 625 ~~Arts assessments required under s. 1008.22, the following year~~
 626 ~~the student must enroll be enrolled in and complete a remedial~~
 627 ~~an intensive reading course the following year. Placement of~~
 628 ~~Level 2 readers in either an intensive reading course or a~~
 629 ~~content area course in which remediation reading strategies are~~
 630 ~~incorporated into course content delivery delivered shall be~~
 631 ~~determined by diagnosis of reading needs.~~ The department shall
 632 provide guidance on appropriate strategies for diagnosing and
 633 meeting the varying instructional needs of students performing
 634 reading below grade level. ~~Reading courses shall be designed and~~
 635 ~~offered pursuant to the comprehensive reading plan required by~~
 636 ~~s. 1011.62(9).~~ A middle grades student who scores at Level 1 or
 637 Level 2 on FCAT Reading but who did not score below Level 3 in
 638 the previous 3 years may be granted a 1-year exemption from the
 639 reading remediation requirement; however, the student must have
 640 an approved academic improvement plan already in place, signed
 641 by the appropriate school staff and the student's parent, for
 642 the year for which the exemption is granted.

643 (3)(c) ~~If For each year in which a middle grades student~~
 644 ~~scores at Level 1 or Level 2 on FCAT Mathematics or, when the~~

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645 state transitions to common core assessments, on the mathematics
 646 common core assessments required under s. 1008.22, the following
 647 year, the student must receive remediation ~~the following year,~~
 648 which may be integrated into the student's required mathematics
 649 courses ~~course.~~

650 ~~(2) Students in grade 6, grade 7, or grade 8 who are not~~
 651 ~~enrolled in schools with a middle grades configuration are~~
 652 ~~subject to the promotion requirements of this section.~~

653 ~~(4)~~⁽³⁾ The State Board of Education shall ~~may~~ adopt rules
 654 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
 655 ~~provisions of this section and may enforce the provisions of~~
 656 this section pursuant to s. 1008.32.

657 Section 13. Section 1003.4203, Florida Statutes, is
 658 amended to read:

659 1003.4203 Digital materials, recognitions, certificates,
 660 and technical assistance ~~curriculum.~~

661 (1) Each district school board, in consultation with the
 662 district school superintendent, shall make available ~~may develop~~
 663 ~~and implement~~ a digital materials ~~curriculum~~ for students in
 664 prekindergarten ~~grades 6~~ through grade 12 in order to enable
 665 students to attain digital skills ~~competencies in web~~
 666 ~~communications and web design. A digital curriculum may include~~
 667 ~~web-based skills, web-based core technologies, web design, use~~
 668 ~~of digital technologies and markup language to show competency~~
 669 ~~in computer skills, and use of web-based core technologies to~~
 670 ~~design creative, informational, and content standards for web-~~
 671 ~~based digital products that demonstrate proficiency in creating,~~
 672 ~~publishing, testing, monitoring, and maintaining a website.~~

673 ~~(2)~~ The digital materials ~~curriculum-instruction~~ may be
 674 integrated into ~~middle school and high school~~ subject area
 675 curricula, ~~or~~ offered as a separate course, made available
 676 through open-access options, or deployed through online or
 677 digital computer applications, subject to available funding.

678 (2) Beginning with the 2013-2014 school year, each
 679 district school board, in consultation with the district school
 680 superintendent, shall make available digital materials,
 681 including software application, to students with disabilities
 682 who are in prekindergarten through grade 12.

683 (3) Subject to available funding, by December 1, 2013, the
 684 department shall contract with one or more technology companies,
 685 or affiliated nonprofit organizations, that have approved
 686 industry certifications identified on the Industry Certification
 687 Funding List or the Postsecondary Industry Certification Funding
 688 List, pursuant to s. 1003.492 or s. 1008.44, to develop a
 689 Florida Cyber Security Recognition program and a Florida Digital
 690 Arts Recognition program. The department shall notify each
 691 school district when the programs are developed and available.
 692 The programs shall be made available to all public elementary
 693 school students at no cost to the districts or charter schools.

694 (a) Targeted skills to be mastered for each program shall
 695 be identified by the department.

696 1. The Florida Cyber Security Recognition program must be
 697 based upon an understanding of computer processing operations
 698 and be primarily focused upon cyber security skills that
 699 increase a student's cyber-safe practices.

700 2. The Florida Digital Arts Recognition program must

701 reflect a balance of skills in technology and the arts.

702 (b) The technology companies or affiliated nonprofit
 703 organizations that provide the programs must provide open access
 704 to materials for teaching and assessing the skills a student
 705 must acquire in order to earn a Florida Cyber Security
 706 Recognition or a Florida Digital Arts Recognition acknowledging
 707 successful completion of the program. The school district shall
 708 notify each elementary school advisory council of the methods of
 709 delivery of the open-access content and assessments. If there is
 710 no elementary school advisory council, notification must be
 711 provided to the district school advisory council.

712 (4) Subject to available funding, by December 1, 2013, the
 713 department shall contract with one or more technology companies
 714 that have approved industry certifications identified on the
 715 Industry Certification Funding List or the Postsecondary
 716 Industry Certification Funding List, pursuant to s. 1004.492 or
 717 s. 1008.44, to develop a Florida Digital Tools Certificate
 718 program that focuses on a student's technology competence. The
 719 department shall notify each school district when the program is
 720 developed and available. The program shall be made available to
 721 all public middle grades students at no cost to the districts or
 722 charter schools. Upon successful completion of the program, a
 723 student shall be awarded a certificate that identifies the
 724 student's digital skill level.

725 (a) Targeted skills to be mastered include digital
 726 technology skills that are necessary to the student's academic
 727 work and skills the student may need in future employment. The
 728 skills must include, but are not limited to, word processing,

729 spreadsheet display, email protocols, and the creation of
 730 presentations, including sound, text, and graphic presentations,
 731 consistent with industry certifications that are listed on the
 732 Industry Certification Funding List, pursuant to s. 1003.492.

733 (b) A technology company that provides the program and
 734 certificate must provide open access to materials for teaching
 735 and assessing the skills necessary to earn the certificate. The
 736 school district shall notify each middle school advisory council
 737 of the methods of delivery of the open-access content and
 738 assessments for the certificate. If there is no middle school
 739 advisory council, notification must be provided to the district
 740 school advisory council.

741 (c) The Legislature intends that beginning no later than
 742 July 1, 2018, 75 percent of public middle grades students shall
 743 be earning a Florida Digital Tools Certificate.

744 (5)-(3) The Department of Education or a company contracted
 745 with under subsection (4) shall provide technical assistance to
 746 shall develop a model digital curriculum to serve as a guide for
 747 district school boards in the implementation of this section.
 748 Technical assistance to districts shall include, but is not
 749 limited to, identification of digital technology resources;
 750 primarily open-access resources, including digital curriculum,
 751 instructional materials, media assets, and other digital tools
 752 and applications; training mechanisms for teachers and others to
 753 facilitate integration of digital technologies into
 754 instructional strategies; and model policies and procedures that
 755 support sustainable implementation practices development of a
 756 digital curriculum.

757 ~~(6)~~⁽⁴⁾ A district school board may seek partnerships with
 758 other school districts, private businesses, postsecondary
 759 institutions, or ~~and~~ consultants to offer classes and
 760 instruction to teachers and students to assist the school
 761 district in providing digital materials, recognitions, and
 762 certificates established pursuant to this section ~~curriculum~~
 763 ~~instruction.~~

764 (7) The State Board of Education shall adopt rules to
 765 administer this section.

766 Section 14. Subsections (1), (2), (9), (10), and (11) of
 767 section 1003.428, Florida Statutes, are amended to read:

768 1003.428 General requirements for high school graduation~~r~~
 769 ~~revised.~~-

770 (1) ~~Except as otherwise authorized pursuant to s.~~
 771 ~~1003.429,~~ Beginning with students entering grade 9 in the 2007-
 772 2008 school year, graduation requires the successful completion
 773 of a minimum of 24 credits, an International Baccalaureate
 774 curriculum, or an Advanced International Certificate of
 775 Education curriculum. Students must be advised of eligibility
 776 requirements for state scholarship programs and postsecondary
 777 admissions.

778 (2) The 24 credits may be earned through applied,
 779 integrated, and career education ~~combined~~ courses approved by
 780 the Department of Education. The 24 credits shall be distributed
 781 as follows:

782 (a) Sixteen core curriculum credits:

783 1. Four credits in English, with major concentration in
 784 composition, reading for information, and literature.

785 2. Four credits in mathematics, one of which must be
 786 Algebra I, a series of courses equivalent to Algebra I, or a
 787 higher-level mathematics course. Beginning with students
 788 entering grade 9 in the 2010-2011 school year, in addition to
 789 the Algebra I credit requirement, one of the four credits in
 790 mathematics must be geometry or a series of courses equivalent
 791 to geometry as approved by the State Board of Education.
 792 Beginning with students entering grade 9 in the 2010-2011 school
 793 year, the end-of-course assessment requirements under s.
 794 1008.22(3)(c)2.a.(I) must be met in order for a student to earn
 795 the required credit in Algebra I. Beginning with students
 796 entering grade 9 in the 2011-2012 school year, the end-of-course
 797 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be
 798 met in order for a student to earn the required credit in
 799 geometry. Beginning with students entering grade 9 in the 2012-
 800 2013 school year, in addition to the Algebra I and geometry
 801 credit requirements, one of the four credits in mathematics must
 802 be Algebra II or a series of courses equivalent to Algebra II as
 803 approved by the State Board of Education.

804 3. Three credits in science, two of which must have a
 805 laboratory component. Beginning with students entering grade 9
 806 in the 2011-2012 school year, one of the three credits in
 807 science must be Biology I or a series of courses equivalent to
 808 Biology I as approved by the State Board of Education. Beginning
 809 with students entering grade 9 in the 2011-2012 school year, the
 810 end-of-course assessment requirements under s.
 811 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 812 the required credit in Biology I. Beginning with students

813 entering grade 9 in the 2013-2014 school year, one of the three
 814 credits must be Biology I or a series of courses equivalent to
 815 Biology I as approved by the State Board of Education, one
 816 credit must be chemistry or physics or a series of courses
 817 equivalent to chemistry or physics as approved by the State
 818 Board of Education, and one credit must be an equally rigorous
 819 course, as determined by the State Board of Education.

820 4. Three credits in social studies as follows: one credit
 821 in United States history; one credit in world history; one-half
 822 credit in economics, which shall include financial literacy; and
 823 one-half credit in United States government.

824 5. One credit in fine or performing arts, speech and
 825 debate, or a practical arts course that incorporates artistic
 826 content and techniques of creativity, interpretation, and
 827 imagination. Eligible practical arts courses shall be identified
 828 through the Course Code Directory.

829 6. One credit in physical education to include integration
 830 of health. Participation in an interscholastic sport at the
 831 junior varsity or varsity level for two full seasons shall
 832 satisfy the one-credit requirement in physical education if the
 833 student passes a competency test on personal fitness with a
 834 score of "C" or better. The competency test on personal fitness
 835 must be developed by the Department of Education. A district
 836 school board may not require that the one credit in physical
 837 education be taken during the 9th grade year. Completion of one
 838 semester with a grade of "C" or better in a marching band class,
 839 in a physical activity class that requires participation in
 840 marching band activities as an extracurricular activity, or in a

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841 dance class shall satisfy one-half credit in physical education
 842 or one-half credit in performing arts. This credit may not be
 843 used to satisfy the personal fitness requirement or the
 844 requirement for adaptive physical education under an individual
 845 education plan (IEP) or 504 plan. Completion of 2 years in a
 846 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 847 component of which is drills, shall satisfy the one-credit
 848 requirement in physical education and the one-credit requirement
 849 in performing arts. This credit may not be used to satisfy the
 850 personal fitness requirement or the requirement for adaptive
 851 physical education under an individual education plan (IEP) or
 852 504 plan.

853 (b) Eight credits in electives.

854 1. For each year in which a student scores ~~at~~ Level 1 on
 855 FCAT Reading, the student must be enrolled in and complete an
 856 intensive reading course the following year. Placement of Level
 857 2 readers in either an intensive reading course or a content
 858 area course in which reading strategies are delivered shall be
 859 determined by diagnosis of reading needs. The department shall
 860 provide guidance on appropriate strategies for diagnosing and
 861 meeting the varying instructional needs of students reading
 862 below grade level. Reading courses shall be designed and offered
 863 pursuant to the comprehensive reading plan required by s.
 864 1011.62(9). A high school student who scores ~~at~~ Level 1 or Level
 865 2 on FCAT Reading but who did not score below Level 3 in the
 866 previous 3 years may be granted a 1-year exemption from the
 867 reading remediation requirement; however, the student must have
 868 an approved academic improvement plan already in place, signed

869 by the appropriate school staff and the student's parent, for
 870 the year for which the exemption is granted.

871 2. For each year in which a student scores ~~at~~ Level 1 or
 872 Level 2 on FCAT Mathematics, the student must receive
 873 remediation the following year. These courses may be taught
 874 through applied, integrated, or combined courses and are subject
 875 to approval by the department for inclusion in the Course Code
 876 Directory.

877 (c) Beginning with students entering grade 9 in the 2011-
 878 2012 school year, at least one course within the 24 credits
 879 required in this subsection must be completed through online
 880 learning. A school district may not require a student to take
 881 the online course outside the school day or in addition to a
 882 student's courses for a given semester. An online course taken
 883 during grades 6 through 8 fulfills this requirement. This
 884 requirement shall be met through an online course offered by the
 885 Florida Virtual School, an online course offered by the high
 886 school, or an online dual enrollment course. A student who is
 887 enrolled in a full-time or part-time virtual instruction program
 888 under s. 1002.45 meets this requirement. This requirement does
 889 not apply to a student who has an individual educational plan
 890 under s. 1003.57 which indicates that an online course would be
 891 inappropriate or a student who is enrolled in a Florida high
 892 school and has less than 1 academic year remaining in high
 893 school.

894 ~~(9) The Commissioner of Education may award a standard~~
 895 ~~high school diploma to honorably discharged veterans who started~~
 896 ~~high school between 1937 and 1946 and were scheduled to graduate~~

897 ~~between 1941 and 1950 but were inducted into the United States~~
 898 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
 899 ~~prior to completing the necessary high school graduation~~
 900 ~~requirements. Upon the recommendation of the commissioner, the~~
 901 ~~State Board of Education may develop criteria and guidelines for~~
 902 ~~awarding such diplomas.~~

903 ~~(10) The Commissioner of Education may award a standard~~
 904 ~~high school diploma to honorably discharged veterans who started~~
 905 ~~high school between 1946 and 1950 and were scheduled to graduate~~
 906 ~~between 1950 and 1954, but were inducted into the United States~~
 907 ~~Armed Forces between June 27, 1950, and January 31, 1955, and~~
 908 ~~served during the Korean Conflict prior to completing the~~
 909 ~~necessary high school graduation requirements. Upon the~~
 910 ~~recommendation of the commissioner, the State Board of Education~~
 911 ~~may develop criteria and guidelines for awarding such diplomas.~~

912 ~~(9)(11)~~ The State Board of Education may adopt rules
 913 pursuant to ss. 120.536(1) and 120.54 to implement the
 914 ~~provisions of this section and may enforce the provisions of~~
 915 this section pursuant to s. 1008.32.

916 Section 15. Subsection (1) of section 1003.4281, Florida
 917 Statutes, is amended to read:

918 1003.4281 Early high school graduation.—

919 (1) The purpose of this section is to provide a student
 920 the option of early graduation if the student earns ~~has~~
 921 ~~completed a minimum of~~ 24 credits and meets the graduation
 922 requirements set forth in s. 1003.428 or s. 1003.4282, as
 923 applicable. For purposes of this section, the term "early
 924 graduation" means graduation from high school in less than 8

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925 | semesters or the equivalent.

926 | Section 16. Section 1003.4282, Florida Statutes, is
927 | created to read:

928 | 1003.4282 Requirements for a standard high school
929 | diploma.-

930 | (1) TWENTY-FOUR CREDITS REQUIRED.-

931 | (a) Beginning with students entering grade 9 in the 2013-
932 | 2014 school year, receipt of a standard high school diploma
933 | requires successful completion of 24 credits, an International
934 | Baccalaureate curriculum, or an Advanced International
935 | Certificate of Education curriculum.

936 | (b) The required credits may be earned through equivalent,
937 | applied, or integrated courses or career education courses as
938 | defined in s. 1003.01(4), including work-related internships
939 | approved by the State Board of Education and identified in the
940 | course code directory. However, any must-pass assessment
941 | requirements must be met. An equivalent course is one or more
942 | courses identified by content-area experts as being a match to
943 | the core curricular content of another course, based upon review
944 | of the Next Generation Sunshine State Standards for that
945 | subject. An applied course aligns with Next Generation Sunshine
946 | State Standards and includes real-world applications of a career
947 | and technical education standard used in business or industry.
948 | An integrated course includes content from several courses
949 | within a content area or across content areas.

950 | (c) A student may choose among three standard high school
951 | diploma designations. By providing choices, students and their
952 | parents will be more integrally involved in planning for the

953 student's postsecondary success.

954 (2) NOTIFICATION REQUIREMENTS.—The school district must
 955 notify students and parents, in writing, of the requirements of
 956 each standard high school diploma designation and the
 957 eligibility requirements for state scholarship programs and
 958 postsecondary admissions. The Department of Education shall
 959 directly and through the school districts notify private schools
 960 of public high school course credit and assessment requirements.
 961 Each private school must make this information available to
 962 students and their parents so they are aware of public high
 963 school graduation requirements.

964 (3) DESIGNATIONS.—By the end of the first semester in 9th
 965 grade, a public school student and his or her parent must select
 966 a standard high school diploma designation that best meets the
 967 student's needs and goals. School staff must assist students and
 968 their parents in the selection. The parent and student must sign
 969 a standardized form indicating their selection. The form must
 970 contain a brief description of each designation available. If a
 971 standard high school diploma designation selection is not made,
 972 the student is expected to earn the College and Career
 973 designation in order to graduate. A student must be provided an
 974 opportunity to change his or her designation selection.

975 (a) College and Career designation; course and assessment
 976 requirements.—

977 1. Four credits in English Language Arts (ELA).—The four
 978 credits must be in ELA I, II, III, and IV. A student must pass
 979 10th grade FCAT Reading until the state transitions to a common
 980 core 10th grade, must pass ELA assessment. Beginning in the

981 fourth year of administration, after field and baseline testing,
 982 and beginning with the incoming 9th grade student cohort, a
 983 student must pass the 10th grade ELA assessment in order to earn
 984 the required credit in ELA II.

985 2. Four credits in Mathematics.—The student must earn one
 986 credit in Algebra I and one credit in Geometry. A student must
 987 pass the Algebra I end-of-course (EOC) assessment in order to
 988 earn credit in the course. Beginning in the fourth year in which
 989 the common core Algebra I assessment is administered, after
 990 field and baseline testing, and beginning with the incoming 9th
 991 grade student cohort, a student must pass the common core
 992 assessment in order to earn credit in the course. A student's
 993 performance on the Geometry EOC assessment constitutes 30
 994 percent of the student's final course grade. When the state
 995 transitions from the Geometry EOC assessment to a common core
 996 Geometry assessment, after field and baseline testing are
 997 completed, a student's performance on the common core Geometry
 998 assessment constitutes 30 percent of a student's final course
 999 grade. When the state administers a common core Algebra II
 1000 assessment, after field and baseline testing are completed, a
 1001 student selecting Algebra II must take the assessment, and the
 1002 student's performance on the assessment constitutes 30 percent
 1003 of the student's final course grade.

1004 3. Three credits in Science.—Two of the three required
 1005 credits must have a laboratory component. A student must earn
 1006 one credit in Biology I and two credits in equally rigorous
 1007 courses. The Biology I EOC assessment constitutes 30 percent of
 1008 the student's final course grade.

1009 4. Three credits in Social Studies.—A student must earn
 1010 one credit in United States History; one credit in World
 1011 History; one-half credit in Economics which must include
 1012 financial literacy; and one-half credit in United States
 1013 Government. The United States History EOC assessment constitutes
 1014 30 percent of the student's final course grade.

1015 5. One credit in Fine or Performing Arts, Speech and
 1016 Debate, or Practical Arts.—The practical arts course must
 1017 incorporate artistic content and techniques of creativity,
 1018 interpretation, and imagination. Eligible practical arts courses
 1019 are identified in the Course Code Directory.

1020 6. One credit in Physical Education.—Physical Education
 1021 must include the integration of health. This requirement is
 1022 subject to all of the provisions in s. 1003.428(2)(a)6.

1023 7. Eight credits in electives.—School districts must
 1024 develop and offer coordinated electives so that a student may
 1025 develop knowledge and skills in his or her area of interest,
 1026 such as electives with a STEM or Liberal Arts focus or career
 1027 education courses that result in or lead to industry
 1028 certification.

1029 (b) Industry designation; course and assessment
 1030 requirements.—

1031 1. Four credits in English Language Arts (ELA).—The four
 1032 credits must be in ELA I, II, III, and IV. A student must pass
 1033 10th grade FCAT Reading until the state transitions to a common
 1034 core 10th grade, must pass ELA assessment. Beginning in the
 1035 fourth year of administration, after field and baseline testing,
 1036 and beginning with the incoming 9th grade student cohort, a

1037 student must pass the 10th grade ELA assessment in order to earn
 1038 the required credit in ELA II.

1039 2. Four credits in Mathematics.—The student must earn one
 1040 credit in Algebra I. A student must pass the Algebra I EOC
 1041 assessment in order to earn credit in the course. Beginning in
 1042 the fourth year of administration, after field and baseline
 1043 testing, and beginning with the incoming 9th grade student
 1044 cohort, a student must pass the common core assessment in
 1045 Algebra I in order to earn credit in the course. If a student
 1046 selects Geometry as one of the four mathematics credits, a
 1047 student's performance on the Geometry EOC assessment or, if the
 1048 state has transitioned to the common core Geometry assessment,
 1049 the common core Geometry assessment constitutes 30 percent of
 1050 the student's final course grade. When the state administers a
 1051 common core Algebra II assessment, after field and baseline
 1052 testing are completed, a student selecting Algebra II must take
 1053 the assessment, and the student's performance on the assessment
 1054 constitutes 30 percent of the student's final course grade.

1055 3. Three credits in Science.—Two of the three required
 1056 credits must have a laboratory component. A student must earn
 1057 one credit in Biology I. The Biology I EOC assessment
 1058 constitutes 30 percent of the student's final course grade.

1059 4. Three credits in Social Studies.—A student must earn
 1060 one credit in United States History; one credit in World
 1061 History; one-half credit in Economics which must include
 1062 financial literacy; and one-half credit in United States
 1063 Government. Student performance on the United States History EOC
 1064 assessment constitutes 30 percent of the student's final course

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grade.

5. One credit in Fine or Performing Arts, Speech and Debate, or Practical Arts.—The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible practical arts courses are identified in the Course Code Directory.

6. One credit in Physical Education.—Physical Education must include the integration of health. This requirement is subject to all of the provisions in s. 1003.428(2)(a)6.

7. Eight credits in electives.—Students must complete an industry-certified career education program or a series of career-themed courses that result in industry certification or articulate into the award of college credit or must complete career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

(c) Scholar designation; course and assessment requirements.—

1. Four credits in English Language Arts (ELA).—The four credits must be in ELA I, II, III, and IV. A student must pass 10th grade FCAT Reading until the state transitions to a common core 10th grade, must pass ELA assessment. Beginning in the fourth year of administration, after field and baseline testing, and beginning with the incoming 9th grade cohort, the student must pass the 10th grade and 11th grade ELA assessments in order to earn the required credits.

2. Four credits in Mathematics.—The student must earn one credit in Algebra I; one credit in Geometry; one credit in Algebra II; and one credit in Statistics or an equally rigorous

1093 course. A student must pass the Algebra I EOC assessment in
 1094 order to earn credit in the course. Beginning in the fourth year
 1095 of administration, after field and baseline testing, and
 1096 beginning with the incoming 9th grade student cohort, a student
 1097 must pass the common core assessment in Algebra I in order to
 1098 earn credit in the course. A student's performance on the
 1099 Geometry EOC assessment constitutes 30 percent of the student's
 1100 final course grade, and the student must pass the EOC assessment
 1101 in order to earn credit in the course. Beginning in the fourth
 1102 year of administration, after field and baseline testing, and
 1103 beginning with the incoming 9th grade student cohort, a
 1104 student's performance on the common core Geometry and Algebra II
 1105 assessments constitutes 30 percent of a student's final course
 1106 grade, and the student must pass the assessments in order to
 1107 earn credit in the courses.

1108 3. Three credits in Science.—Two of the three required
 1109 credits must have a laboratory component. A student must earn
 1110 one credit in Biology I and one credit in Chemistry, Physics, or
 1111 an equally rigorous course. A student's performance on the
 1112 Biology I EOC assessment constitutes 30 percent of the student's
 1113 final course grade, and the student must pass the assessment in
 1114 order to earn credit in the course.

1115 4. Three credits in Social Studies.—A student must earn
 1116 one credit in United States History; one credit in World
 1117 History; one-half credit in Economics which must include
 1118 financial literacy; and one-half credit in United States
 1119 Government. Student performance on the United States History EOC
 1120 assessment constitutes 30 percent of the student's final course

1121 grade. Beginning in the 2015-2016 school year, and beginning
 1122 with the incoming 9th grade student cohort, a student's
 1123 performance on the United States History EOC assessment
 1124 constitutes 30 percent of the student's final course grade, and
 1125 the student must pass the assessment in order to earn credit in
 1126 the course.

1127 5. One credit in Fine or Performing Arts, Speech and
 1128 Debate, or Practical Arts.—The practical arts course must
 1129 incorporate artistic content and techniques of creativity,
 1130 interpretation, and imagination. Eligible practical arts courses
 1131 are identified in the Course Code Directory.

1132 6. One credit in Physical Education.—Physical Education
 1133 must include the integration of health. This requirement is
 1134 subject to all of the provisions in s. 1003.428(2)(a)6.

1135 7. Two credits in a foreign language.—The two credits must
 1136 be in the same language.

1137 8. Six credits in electives.—At least one of the credits
 1138 must be in an Advanced Placement, International Baccalaureate,
 1139 Advanced International Certificate of Education, or dual
 1140 enrollment course. Electives may include career education
 1141 courses. School districts shall coordinate electives with a STEM
 1142 or Liberal Arts focus, and school staff shall assist students in
 1143 selecting the most appropriate focus.

1144 (4) ONLINE COURSE REQUIREMENT.—Excluding a driver's
 1145 education course, at least one course within the 24 credits
 1146 required under this section must be completed through online
 1147 learning. A school district may not require a student to take
 1148 the online course outside the school day or in addition to a

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1149 student's courses for a given semester. An online course taken
 1150 in grade 6, grade 7, or grade 8 fulfills this requirement. This
 1151 requirement is met through an online course offered by the
 1152 Florida Virtual School, a virtual education provider approved by
 1153 the State Board of Education, a high school, or an online dual
 1154 enrollment course. A student who is enrolled in a full-time or
 1155 part-time virtual instruction program under s. 1002.45 meets
 1156 this requirement. This requirement does not apply to a student
 1157 who has an individual education plan under s. 1003.57 which
 1158 indicates that an online course would be inappropriate or to an
 1159 out-of-state transfer student who is enrolled in a Florida high
 1160 school and has 1 academic year or less remaining in high school.

1161 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—

1162 (a) Each year a student scores Level 1 or Level 2 on 9th
 1163 grade or 10th grade FCAT Reading or, when implemented, 9th
 1164 grade, 10th grade, or 11th grade common core English Language
 1165 Arts (ELA) assessments, the student must be enrolled in and
 1166 complete an intensive remedial course the following year or be
 1167 placed in a content area course that includes remediation of
 1168 skills not acquired by the student.

1169 (b) Each year a student scores Level 1 or Level 2 on the
 1170 Algebra I EOC assessment, or upon transition to the common core
 1171 Algebra I assessment, the student must be enrolled in and
 1172 complete an intensive remedial course the following year or be
 1173 placed in a content area course that includes remediation of
 1174 skills not acquired by the student.

1175 (6) GRADE FORGIVENESS POLICY.—Each district school board
 1176 shall adopt policies designed to assist students in meeting

1177 graduation requirements including grade forgiveness policies.
 1178 Forgiveness policies for required courses shall be limited to
 1179 replacing a grade of "D" or "F" with a grade of "C" or higher
 1180 earned subsequently in the same or comparable course.
 1181 Forgiveness policies for elective courses shall be limited to
 1182 replacing a grade of "D" or "F" with a grade of "C" or higher
 1183 earned subsequently in another course. The only exception to
 1184 these forgiveness policies shall be made for a student in the
 1185 middle grades who takes any high school course for high school
 1186 credit and earns a grade of "C," "D," or "F". In such case, the
 1187 district forgiveness policy must allow the replacement of the
 1188 grade with a grade of "C" or higher earned subsequently in the
 1189 same or comparable course. In all cases of grade forgiveness,
 1190 only the new grade shall be used in the calculation of the
 1191 student's grade point average. Any course grade not replaced
 1192 according to a district school board forgiveness policy shall be
 1193 included in the calculation of the cumulative grade point
 1194 average required for graduation.

1195 (7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who
 1196 earns a cumulative grade point average (GPA) of 2.0 on a 4.0
 1197 scale and meets the requirements of this section shall be
 1198 awarded a standard high school diploma in a form prescribed by
 1199 the State Board of Education. Notwithstanding any other law to
 1200 the contrary, all students enrolled in high school as of the
 1201 2012-2013 school year may select one of the standard high school
 1202 diploma designations and, if the student meets the applicable
 1203 requirements and earns a 2.0 GPA, the student shall be awarded a
 1204 standard high school diploma with the appropriate designation

1205 indicated on the diploma. A high school student who earned a
 1206 passing grade in Biology I or Geometry prior to the 2013-2014
 1207 school year shall be awarded a credit in that course if the
 1208 student selects the College and Career designation or the
 1209 Industry designation and, if the student selects the Scholar
 1210 designation and passed the course and the EOC assessment, the
 1211 student's performance on the EOC assessment is not required to
 1212 constitute 30 percent of the student's final course grade. A
 1213 student who fails to earn the required credits or achieve a 2.0
 1214 GPA shall be awarded a certificate of completion in a form
 1215 prescribed by the State Board of Education.

1216 (8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.-

1217 (a) Beginning with the 2012-2013 school year, if a student
 1218 transfers to a Florida public high school from out of country,
 1219 out of state, a private school, or a home education program and
 1220 the student's transcript shows a mathematics credit in a course
 1221 that requires passage of a statewide, standardized assessment in
 1222 order to earn course credit, the student must pass the
 1223 assessment in order to earn the credit unless the student earned
 1224 an equivalent score pursuant to s. 1008.22, passed a statewide
 1225 assessment in that subject administered by the transferring
 1226 entity, or passed the statewide assessment the transferring
 1227 entity uses to satisfy the requirements of the Elementary and
 1228 Secondary Education Act, 20 U.S.C. 6301. If a student's
 1229 transcript shows a credit in high school reading or English
 1230 Language Arts II or III, the student must take and pass grade 10
 1231 FCAT Reading or earn a concordant score on the SAT or ACT as
 1232 specified by state board rule or, when the state transitions to

1233 common core English Language Arts assessments, earn a passing
 1234 score on the English Language Arts assessment as required under
 1235 the standard high school diploma designation selected under this
 1236 section.

1237 (b) Credits and grades earned and offered for acceptance
 1238 by a transferring student shall be based on official transcripts
 1239 and shall be accepted at face value subject to validation, as
 1240 provided by State Board of Education rule, if required by the
 1241 receiving school's accreditation.

1242 (9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 1243 CREDIT REQUIREMENTS.—

1244 (a) Participation in career education courses engages
 1245 students in their high school education, increases academic
 1246 achievement, enhances employability, and increases postsecondary
 1247 success. By July 1, 2014, the department shall develop, for
 1248 approval by the State Board of Education, multiple, additional
 1249 career education courses or a series of courses that meet the
 1250 requirements set forth in s. 1003.493(2), (4), and (5) and this
 1251 subsection and allow students to earn credit in both the career
 1252 education course and courses required for high school graduation
 1253 under ss. 1003.428, 1003.4281, and 1003.4282.

1254 1. The state board must determine if sufficient academic
 1255 standards are covered to warrant the award of academic credit.

1256 2. Career education courses must include workforce and
 1257 digital literacy skills and the integration of required course
 1258 content with practical applications and designated rigorous
 1259 coursework that results in one or more industry certifications
 1260 or clearly articulated credit or advanced standing in a 2-year

1261 or 4-year certificate or degree program, which may include high
 1262 school junior and senior year work-related internships or
 1263 apprenticeships. The department shall negotiate state licenses
 1264 for material and testing for industry certifications. The
 1265 instructional methodology used in these courses must be
 1266 comprised of authentic projects, problems, and activities for
 1267 contextually learning the academics.

1268 3. The state board shall identify an industry
 1269 certification or multiple certifications from the Industry
 1270 Certification Funding List or the Postsecondary Industry
 1271 Certification Funding List that demonstrate attainment of
 1272 standards associated with digital composition, word processing,
 1273 and presentation skills, which shall satisfy at least one credit
 1274 in English Language Arts required to fulfill high school
 1275 graduation requirements.

1276 (b) Each school district should take the initiative to
 1277 work with local workforce boards, local business and industry
 1278 leaders, and postsecondary institutions to establish
 1279 partnerships for the purpose of creating career education
 1280 courses or a series of courses that meet the requirements set
 1281 forth in s. 1003.493(2), (4), and (5) which students can take to
 1282 earn required high school course credits. Emphasis should be
 1283 placed on online course work and digital literacy. School
 1284 districts must submit their recommended career education courses
 1285 to the department for state board approval. School district
 1286 recommended career education courses must meet the same rigorous
 1287 standards as department-developed career education courses in
 1288 order to be approved by the state board. School districts

1289 participating in the development of rigorous career education
 1290 courses will be able to better address local workforce needs and
 1291 allow students the opportunity to acquire the knowledge and
 1292 skills that are needed not only for academic advancement but
 1293 also for employability purposes.

1294 (c) Regional consortium service organizations established
 1295 pursuant to s. 1001.451 shall work with school districts, local
 1296 workforce boards, postsecondary institutions, and local business
 1297 and industry leaders to create career education courses that
 1298 meet the requirements set forth in s. 1003.493(2), (4), and (5)
 1299 and this subsection which students can take to earn required
 1300 high school course credits. The regional consortium shall submit
 1301 course recommendations to the department, on behalf of the
 1302 consortium member districts, for state board approval. A strong
 1303 emphasis should be placed on online course work, digital
 1304 literacy, and workforce literacy as defined in s. 1004.02(27).
 1305 For purposes of providing students the opportunity to earn
 1306 industry certifications, consortiums must secure the necessary
 1307 site licenses and testing contracts for use by member districts.

1308 (10) RULES.—The State Board of Education shall adopt rules
 1309 to implement this section.

1310 Section 17. Section 1003.4285, Florida Statutes, is
 1311 amended to read:

1312 1003.4285 Standard high school diploma designations.—Each
 1313 standard high school diploma shall include, as appropriate
 1314 applicable:

1315 (1) The designation a student earned under s. 1003.4282
 1316 and, if a student received a waiver under s. 1008.22(3)(c)2., a

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1317 statement so indicating. ~~A designation of the student's major~~
 1318 ~~area of interest pursuant to the student's completion of credits~~
 1319 ~~as provided in s. 1003.428.~~

1320 (2) A designation reflecting completion of four or more
 1321 accelerated college credit courses if the student is eligible
 1322 for college credit pursuant to s. 1007.27 or s. 1007.271 in
 1323 Advanced Placement, International Baccalaureate, Advanced
 1324 International Certificate of Education, or dual enrollment
 1325 courses. ~~The Commissioner of Education shall establish~~
 1326 ~~guidelines for successful passage of examinations or coursework~~
 1327 ~~in each of the accelerated college credit options for purposes~~
 1328 ~~of this subsection.~~

1329 (3) A designation reflecting the ~~attainment of one or more~~
 1330 industry certifications that were attained from the list
 1331 ~~approved by Workforce Florida, Inc.,~~ under s. 1003.492.

1332 (4) A designation reflecting a Florida Ready to Work
 1333 Credential in accordance with s. 445.06.

1334 Section 18. Section 1003.4286, Florida Statutes, is
 1335 created to read:

1336 1003.4286 Award of standard high school diplomas to
 1337 honorably discharged veterans.—Pursuant to rules adopted by the
 1338 State Board of Education in consultation with the Department of
 1339 Military Affairs, the Commissioner of Education may award a
 1340 standard high school diploma to an honorably discharged veteran
 1341 who has not completed high school graduation requirements.

1342 Section 19. Section 1003.429, Florida Statutes, is
 1343 repealed.

1344 Section 20. Subsections (1) and (3) of section 1003.4295,

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1345 Florida Statutes, are amended to read:

1346 1003.4295 Acceleration options.-

1347 (1) Each high school shall advise each student of programs
 1348 through which a high school student can earn college credit,
 1349 including Advanced Placement, International Baccalaureate,
 1350 Advanced International Certificate of Education, dual
 1351 enrollment, ~~and~~ early admission courses, career academy courses,
 1352 and courses that lead to ~~national~~ industry certification, as
 1353 well as the availability of course offerings through virtual
 1354 instruction. Students shall also be advised of the early ~~and~~
 1355 ~~accelerated~~ graduation options under s. ss. 1003.4281 and
 1356 ~~1003.429~~.

1357 (3) The Credit Acceleration Program (CAP) is created for
 1358 the purpose of allowing a student to earn high school credit in
 1359 Algebra I, Algebra II, Geometry, United States History, or
 1360 Biology ~~a course that requires a statewide, standardized end-of-~~
 1361 ~~course assessment~~ if the student passes the statewide,
 1362 standardized assessment administered under s. 1008.22 attains a
 1363 ~~specified score on the assessment~~. Notwithstanding s. 1003.436,
 1364 a school district shall award course credit to a student who is
 1365 not enrolled in the course, or who has not completed the course,
 1366 if the student attains a passing score on the corresponding
 1367 statewide, standardized ~~end-of-course~~ assessment. The school
 1368 district shall permit a student who is not enrolled in the
 1369 course, or who has not completed the course, to take the
 1370 ~~standardized end-of-course~~ assessment during the regular
 1371 administration of the assessment.

1372 Section 21. Section 1003.43, Florida Statutes, is

1373 repealed.

1374 Section 22. Section 1003.433, Florida Statutes, is amended
1375 to read:

1376 1003.433 Learning opportunities for out-of-state and out-
1377 of-country transfer students and students needing additional
1378 instruction to meet high school graduation requirements.-

1379 (1) Students who enter a Florida public school at the
1380 eleventh or twelfth grade from out of state or out of ~~from a~~
1381 ~~foreign~~ country shall not be required to spend additional time
1382 in a Florida public school in order to meet the high school
1383 course requirements if the student has met all requirements of
1384 the school district, state, or country from which he or she is
1385 transferring. Such students who are not proficient in English
1386 should receive immediate and intensive instruction in English
1387 language acquisition. However, to receive a standard high school
1388 diploma, a transfer student must earn a 2.0 grade point average
1389 and meet the requirements under s. 1008.22 ~~pass the grade 10~~
1390 ~~FCAT required in s. 1008.22(3) or an alternate assessment as~~
1391 ~~described in s. 1008.22(10).~~

1392 (2) Students who earn the required 24 credits ~~have met all~~
1393 ~~requirements~~ for the standard high school diploma except for
1394 passage of any must-pass assessment under s. 1003.4282 or s.
1395 1008.22 ~~the grade 10 FCAT~~ or an alternate assessment by the end
1396 of grade 12 must be provided the following learning
1397 opportunities:

1398 (a) Participation in an accelerated high school
1399 equivalency diploma preparation program during the summer.

1400 (b) Upon receipt of a certificate of completion, be

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1401 allowed to take the College Placement Test and be admitted to
 1402 ~~remedial or credit courses~~ at a Florida College System
 1403 institution, as appropriate.

1404 (c) Participation in an adult general education program as
 1405 provided in s. 1004.93 for such time as the student requires to
 1406 master English, reading, mathematics, or any other subject
 1407 required for high school graduation. Students attending adult
 1408 basic, adult secondary, or vocational-preparatory instruction
 1409 are exempt from any requirement for the payment of tuition and
 1410 fees, including lab fees, pursuant to s. 1009.25. A student
 1411 attending an adult general education program shall have the
 1412 opportunity to take any must-pass assessment under s. 1003.4282
 1413 or s. 1008.22 ~~the grade 10 FCAT~~ an unlimited number of times in
 1414 order to receive a standard high school diploma.

1415 (3) Students who have been enrolled in an ESOL program for
 1416 less than 2 school years and have met all requirements for the
 1417 standard high school diploma except for passage of any must-pass
 1418 assessment under s. 1003.4282 or s. 1008.22 ~~the grade 10 FCAT~~ or
 1419 alternate assessment may receive immersion English language
 1420 instruction during the summer following their senior year.
 1421 Students receiving such instruction are eligible to take the
 1422 required assessment ~~FCAT~~ or alternate assessment and receive a
 1423 standard high school diploma upon passage of the required
 1424 assessment ~~grade 10 FCAT~~ or ~~the~~ alternate assessment. This
 1425 subsection shall be implemented to the extent funding is
 1426 provided in the General Appropriations Act.

1427 ~~(4) The district school superintendent shall be~~
 1428 ~~responsible for notifying all students of the consequences of~~

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1429 ~~failure to receive a standard high school diploma, including the~~
 1430 ~~potential ineligibility for financial assistance at~~
 1431 ~~postsecondary educational institutions.~~

1432 (4)~~(5)~~ The State Board of Education may adopt rules
 1433 pursuant to ss. 120.536(1) and 120.54 to administer this
 1434 section.

1435 Section 23. Subsection (6) of section 1003.435, Florida
 1436 Statutes, is amended to read:

1437 1003.435 High school equivalency diploma program.—

1438 ~~(6)(a)~~ All high school equivalency diplomas issued under
 1439 the provisions of this section shall have equal status with
 1440 other high school diplomas for all state purposes, including
 1441 admission to any state university or Florida College System
 1442 institution.

1443 ~~(b) The State Board of Education shall adopt rules~~
 1444 ~~providing for the award of a standard high school diploma to~~
 1445 ~~holders of high school equivalency diplomas who are assessed as~~
 1446 ~~meeting designated criteria, and the commissioner shall~~
 1447 ~~establish procedures for administering the assessment.~~

1448 Section 24. Paragraph (a) of subsection (1) of section
 1449 1003.436, Florida Statutes, is amended to read:

1450 1003.436 Definition of "credit".—

1451 (1)(a) For the purposes of requirements for high school
 1452 graduation, one full credit means a minimum of 135 hours of bona
 1453 fide instruction in a designated course of study that contains
 1454 student performance standards, except as otherwise provided
 1455 through the Credit Acceleration Program (CAP) under s.
 1456 1003.4295(3). One full credit means a minimum of 120 hours of

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1457 bona fide instruction in a designated course of study that
 1458 contains student performance standards for purposes of meeting
 1459 high school graduation requirements in a district school that
 1460 has been authorized to implement block scheduling by the
 1461 district school board. The State Board of Education shall
 1462 determine the number of postsecondary credit hours earned
 1463 through dual enrollment pursuant to s. 1007.271 that satisfy the
 1464 requirements of a dual enrollment articulation agreement
 1465 according to s. 1007.271(21) and that equal one full credit of
 1466 the equivalent high school course identified pursuant to s.
 1467 1007.271(9).

1468 Section 25. Section 1003.438, Florida Statutes, is amended
 1469 to read:

1470 1003.438 Special high school graduation requirements for
 1471 certain exceptional students.—A student who has been identified,
 1472 in accordance with rules established by the State Board of
 1473 Education, as a student with disabilities who has an
 1474 intellectual disability; an autism spectrum disorder; a language
 1475 impairment; an orthopedic impairment; an other health
 1476 impairment; a traumatic brain injury; an emotional or behavioral
 1477 disability; a specific learning disability, including, but not
 1478 limited to, dyslexia, dyscalculia, or developmental aphasia; or
 1479 students who are deaf or hard of hearing or dual sensory
 1480 impaired shall not be required to meet all requirements of ~~s.~~
 1481 ~~1003.43~~ ~~or~~ s. 1003.428 or s. 1003.4282 and shall, upon meeting
 1482 all applicable requirements prescribed by the district school
 1483 board pursuant to s. 1008.25, be awarded a special diploma in a
 1484 form prescribed by the commissioner; however, such special

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1485 graduation requirements prescribed by the district school board
 1486 must include minimum graduation requirements as prescribed by
 1487 the commissioner. Any such student who meets all special
 1488 requirements of the district school board, but is unable to meet
 1489 the appropriate special state minimum requirements, shall be
 1490 awarded a special certificate of completion in a form prescribed
 1491 by the commissioner. However, this section does not limit or
 1492 restrict the right of an exceptional student solely to a special
 1493 diploma or special certificate of completion. Any such student
 1494 shall, upon proper request, be afforded the opportunity to fully
 1495 meet all requirements of ~~s. 1003.43~~ or s. 1003.428 or s.
 1496 1003.4282 through the standard procedures established therein
 1497 and thereby to qualify for a standard diploma upon graduation.

1498 Section 26. Subsections (2) and (4) of section 1003.4935,
 1499 Florida Statutes, are amended to read:

1500 1003.4935 Middle grades ~~school~~ career and professional
 1501 academy courses and career-themed courses.—

1502 (2) Each middle grades ~~school~~ career and professional
 1503 academy or career-themed course must be aligned with at least
 1504 one high school career and professional academy or career-themed
 1505 course offered in the district and maintain partnerships with
 1506 local business and industry and economic development boards.
 1507 Middle grades ~~school~~ career and professional academies and
 1508 career-themed courses must:

1509 (a) Lead to careers in occupations designated as high-
 1510 skill, high-wage, and high-demand in the Industry Certification
 1511 Funding List approved under rules adopted by the State Board of
 1512 Education;

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- 1513 (b) Integrate content from core subject areas;
- 1514 (c) Integrate career and professional academy or career-
- 1515 themed course content with intensive reading, English Language
- 1516 Arts, and mathematics pursuant to ss. ~~s.~~ 1003.428 and 1003.4282;
- 1517 (d) Coordinate with high schools to maximize opportunities
- 1518 for middle grades ~~school~~ students to earn high school credit;
- 1519 (e) Provide access to virtual instruction courses provided
- 1520 by virtual education providers legislatively authorized to
- 1521 provide part-time instruction to middle grades ~~school~~ students.
- 1522 The virtual instruction courses must be aligned to state
- 1523 curriculum standards for middle grades ~~school~~ career and
- 1524 professional academy courses or career-themed courses, with
- 1525 priority given to students who have required course deficits;
- 1526 (f) Provide instruction from highly skilled professionals
- 1527 who hold industry certificates in the career area in which they
- 1528 teach;
- 1529 (g) Offer externships; and
- 1530 (h) Provide personalized student advisement that includes
- 1531 a parent-participation component.
- 1532 ~~(4) The State Board of Education shall adopt rules to~~
- 1533 ~~identify industry certifications in science, technology,~~
- 1534 ~~engineering, and mathematics offered in middle school to be~~
- 1535 ~~included on the Industry Certified Funding List and which are~~
- 1536 ~~eligible for additional full-time equivalent membership under s.~~
- 1537 ~~1011.62(1).~~
- 1538 Section 27. Paragraph (c) of subsection (3) of section
- 1539 1003.51, Florida Statutes, is amended to read:
- 1540 1003.51 Other public educational services.-

1541 (3) The Department of Education in partnership with the
 1542 Department of Juvenile Justice, the district school boards, and
 1543 providers shall:

1544 (c) Maintain standardized required content of education
 1545 records to be included as part of a youth's commitment record.
 1546 These requirements shall reflect the policy and standards
 1547 adopted pursuant to subsection (2) and shall include, but not be
 1548 limited to, the following:

- 1549 1. A copy of the student's individual educational plan.
- 1550 2. ~~Assessment~~ Data on student performance on assessments,
 1551 ~~including grade level proficiency in reading, writing, and~~
 1552 ~~mathematics, and performance on tests~~ taken according to s.
 1553 1008.22.
- 1554 3. A copy of the student's permanent cumulative record.
- 1555 4. A copy of the student's academic transcript.
- 1556 5. A portfolio reflecting the youth's academic
 1557 accomplishments while in the Department of Juvenile Justice
 1558 program.

1559 Section 28. Subsection (4) of section 1003.621, Florida
 1560 Statutes, is amended to read:

1561 1003.621 Academically high-performing school districts.—It
 1562 is the intent of the Legislature to recognize and reward school
 1563 districts that demonstrate the ability to consistently maintain
 1564 or improve their high-performing status. The purpose of this
 1565 section is to provide high-performing school districts with
 1566 flexibility in meeting the specific requirements in statute and
 1567 rules of the State Board of Education.

1568 (4) REPORTS.—The academically high-performing school

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1569 district shall submit to the State Board of Education and the
 1570 Legislature an annual report on December 1 which delineates the
 1571 performance of the school district relative to the academic
 1572 performance of students at each grade level in reading, writing,
 1573 mathematics, science, and any other subject that is included as
 1574 a part of the statewide assessment program in s. 1008.22. The
 1575 annual report shall be submitted in a format prescribed by the
 1576 Department of Education and shall include, ~~but need not be~~
 1577 ~~limited to, the following:~~

1578 (a) Longitudinal performance of students on in
 1579 ~~mathematics, reading, writing, science, and any other subject~~
 1580 ~~that is included as a part of the statewide, standardized~~
 1581 assessments taken under assessment program in s. 1008.22;

1582 (b) Longitudinal performance of students by grade level
 1583 and subgroup on in ~~mathematics, reading, writing, science, and~~
 1584 ~~any other subject that is included as a part of the statewide,~~
 1585 standardized assessments taken under assessment program in s.
 1586 1008.22;

1587 (c) Longitudinal performance regarding efforts to close
 1588 the achievement gap;

1589 (d)1. Number and percentage of students who take an
 1590 Advanced Placement Examination; and

1591 2. Longitudinal performance regarding students who take an
 1592 Advanced Placement Examination by demographic group,
 1593 specifically by age, gender, race, and Hispanic origin, and by
 1594 participation in the National School Lunch Program;

1595 (e) Evidence of compliance with subsection (1); and

1596 (f) A description of each waiver and the status of each

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1597 waiver.

1598 Section 29. Subsection (1) of section 1004.935, Florida
 1599 Statutes, is amended to read:

1600 1004.935 Adults with Disabilities Workforce Education
 1601 Pilot Program.—

1602 (1) The Adults with Disabilities Workforce Education Pilot
 1603 Program is established in the Department of Education for 2
 1604 years in Hardee, DeSoto, Manatee, and Sarasota Counties to
 1605 provide the option of receiving a scholarship for instruction at
 1606 private schools for up to 30 students who:

1607 (a) Have a disability;

1608 (b) Are 22 years of age;

1609 (c) Are receiving instruction from an instructor in a
 1610 private school to meet the high school graduation requirements
 1611 in s. 1003.428 or s. 1003.4282;

1612 (d) Do not have a standard high school diploma or a
 1613 special high school diploma; and

1614 (e) Receive "supported employment services," which means
 1615 employment that is located or provided in an integrated work
 1616 setting with earnings paid on a commensurate wage basis and for
 1617 which continued support is needed for job maintenance.

1618
 1619 As used in this section, the term "student with a disability"
 1620 includes a student who is documented as having an intellectual
 1621 disability; a speech impairment; a language impairment; a
 1622 hearing impairment, including deafness; a visual impairment,
 1623 including blindness; a dual sensory impairment; an orthopedic
 1624 impairment; another health impairment; an emotional or

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1625 behavioral disability; a specific learning disability,
 1626 including, but not limited to, dyslexia, dyscalculia, or
 1627 developmental aphasia; a traumatic brain injury; a developmental
 1628 delay; or autism spectrum disorder.

1629 Section 30. Subsections (2), (7), (9), and (11) of section
 1630 1007.271, Florida Statutes, are amended to read:

1631 1007.271 Dual enrollment programs.—

1632 (2) For the purpose of this section, an eligible secondary
 1633 student is a student who is enrolled in a Florida public
 1634 secondary school or in a Florida private secondary school which
 1635 is in compliance with s. 1002.42(2) and provides a secondary
 1636 curriculum pursuant to s. 1003.428 or s. 1003.4282, ~~s. 1003.429,~~
 1637 ~~or s. 1003.43~~. Students who are eligible for dual enrollment
 1638 pursuant to this section may enroll in dual enrollment courses
 1639 conducted during school hours, after school hours, and during
 1640 the summer term. However, if the student is projected to
 1641 graduate from high school before the scheduled completion date
 1642 of a postsecondary course, the student may not register for that
 1643 course through dual enrollment. The student may apply to the
 1644 postsecondary institution and pay the required registration,
 1645 tuition, and fees if the student meets the postsecondary
 1646 institution's admissions requirements under s. 1007.263.
 1647 Instructional time for dual enrollment may vary from 900 hours;
 1648 however, the school district may only report the student for a
 1649 maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student
 1650 enrolled as a dual enrollment student is exempt from the payment
 1651 of registration, tuition, and laboratory fees. Vocational-
 1652 preparatory instruction, college-preparatory instruction, and

1653 other forms of precollegiate instruction, as well as physical
 1654 education courses that focus on the physical execution of a
 1655 skill rather than the intellectual attributes of the activity,
 1656 are ineligible for inclusion in the dual enrollment program.
 1657 Recreation and leisure studies courses shall be evaluated
 1658 individually in the same manner as physical education courses
 1659 for potential inclusion in the program.

1660 (7) Career dual enrollment shall be provided as a
 1661 curricular option for secondary students to pursue in order to
 1662 earn industry certifications adopted pursuant to s. 1008.44,
 1663 which count as a series of elective credits toward the high
 1664 school diploma. Career dual enrollment shall be available for
 1665 secondary students seeking a degree and industry certification
 1666 through ~~or certificate from a career education complete career-~~
 1667 ~~preparatory program or course~~ and may not be used to enroll
 1668 students in isolated career courses.

1669 (9) The Commissioner of Education shall appoint faculty
 1670 committees representing public school, Florida College System
 1671 institution, and university faculties to identify postsecondary
 1672 courses that meet the high school graduation requirements of s.
 1673 1003.428 or s. 1003.4282, ~~s. 1003.429, or s. 1003.43~~ and to
 1674 establish the number of postsecondary semester credit hours of
 1675 instruction and equivalent high school credits earned through
 1676 dual enrollment pursuant to this section that are necessary to
 1677 meet high school graduation requirements. Such equivalencies
 1678 shall be determined solely on comparable course content and not
 1679 on seat time traditionally allocated to such courses in high
 1680 school. The Commissioner of Education shall recommend to the

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1681 State Board of Education those postsecondary courses identified
 1682 to meet high school graduation requirements, based on mastery of
 1683 course outcomes, by their course numbers, and all high schools
 1684 shall accept these postsecondary education courses toward
 1685 meeting the requirements of s. 1003.428 or s. 1003.4282, ~~s.~~
 1686 ~~1003.429, or s. 1003.43.~~

1687 (11) Career early admission is a form of career dual
 1688 enrollment through which eligible secondary students enroll full
 1689 time in a career center or a Florida College System institution
 1690 in postsecondary programs leading to industry certifications, as
 1691 listed in the Postsecondary Industry Certified Funding List
 1692 pursuant to s. 1008.44, which ~~courses that~~ are creditable toward
 1693 the high school diploma and the certificate or associate degree.
 1694 Participation in the career early admission program is limited
 1695 to students who have completed a minimum of 4 ~~6~~ semesters of
 1696 full-time secondary enrollment, including studies undertaken in
 1697 the ninth grade. Students enrolled pursuant to this section are
 1698 exempt from the payment of registration, tuition, and laboratory
 1699 fees.

1700 Section 31. Section 1008.22, Florida Statutes, is amended
 1701 to read:

1702 (Substantial rewording of section. See
 1703 s. 1008.22, F.S., for present text.)

1704 1008.22 Student assessment program for public schools.-

1705 (1) PURPOSE.-The primary purpose of the student assessment
 1706 program is to provide student academic achievement and learning
 1707 gains data to students, parents, teachers, school
 1708 administrators, and school district staff. This data is to be

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1709 used by districts to improve instruction; by students, parents,
 1710 and teachers to guide learning objectives; by education
 1711 researchers to assess national and international education
 1712 comparison data; and by the public to assess the cost benefit of
 1713 the expenditure of taxpayer dollars. The program must be
 1714 designed to:

1715 (a) Assess the achievement level and annual learning gains
 1716 of each student in English Language Arts and Mathematics and the
 1717 achievement level in all other subjects assessed.

1718 (b) Provide data for making decisions regarding school
 1719 accountability, recognition, and improvement of operations and
 1720 management, including schools operating for the purpose of
 1721 providing educational services to youth in Department of
 1722 Juvenile Justice programs.

1723 (c) Identify the educational strengths and needs of
 1724 students and the readiness of students to be promoted to the
 1725 next grade level or to graduate from high school.

1726 (d) Assess how well educational goals and curricular
 1727 standards are met at the school, district, state, national, and
 1728 international levels.

1729 (e) Provide information to aid in the evaluation and
 1730 development of educational programs and policies.

1731 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—
 1732 Florida school districts shall participate in the administration
 1733 of the National Assessment of Educational Progress, or similar
 1734 national or international assessments, both for the national
 1735 sample and for any state-by-state comparison programs that may
 1736 be initiated, as directed by the commissioner. The assessments

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1737 must be conducted using the data collection procedures, student
 1738 surveys, educator surveys, and other instruments included in the
 1739 National Assessment of Educational Progress or similar national
 1740 or international assessments being administered in Florida. The
 1741 administration of such assessments shall be in addition to and
 1742 separate from the administration of the statewide, standardized
 1743 assessments.

1744 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 1745 commissioner shall design and implement a statewide,
 1746 standardized assessment program aligned to the core curricular
 1747 content established in the Next Generation Sunshine State
 1748 Standards. The commissioner also must develop, or select, and
 1749 implement a common battery of assessment tools that will be used
 1750 in all juvenile justice programs in the state. These tools must
 1751 accurately measure the core curricular content established in
 1752 the Next Generation Sunshine State Standards. Participation in
 1753 the assessment program is mandatory for all school districts and
 1754 for all students attending public school, including students
 1755 seeking an adult high school diploma, and students in Department
 1756 of Juvenile Justice programs except as otherwise prescribed by
 1757 the commissioner. If a student does not participate in the
 1758 assessment program, the school district must notify the
 1759 student's parent and provide the parent with information
 1760 regarding the implications of such nonparticipation. The
 1761 statewide, standardized assessment program shall be designed and
 1762 implemented as follows:

1763 (a) The Florida Comprehensive Assessment Test (FCAT) until
 1764 replaced by common core assessments.—FCAT Reading shall be

1765 administered annually in grades 3 through 10; FCAT Mathematics
 1766 shall be administered annually in grades 3 through 8; FCAT
 1767 Writing shall be administered annually at least once at the
 1768 elementary, middle, and high school levels; and FCAT Science
 1769 shall be administered annually at least once at the elementary
 1770 and middle grades levels. A student who has not earned a passing
 1771 score on grade 10 FCAT Reading must participate in each retake
 1772 of the assessment until the student earns a passing score. The
 1773 commissioner shall recommend and the state board must adopt a
 1774 score on both the SAT and ACT that is concordant to a passing
 1775 score on grade 10 FCAT Reading which, if achieved by the
 1776 student, meets the must-pass requirement for grade 10 FCAT
 1777 Reading.

1778 (b) End-of-course (EOC) assessments.—EOC assessments must
 1779 be statewide, standardized, and developed or approved by the
 1780 department as follows:

1781 1. Statewide, standardized EOC assessments in mathematics
 1782 shall be administered according to this subparagraph. Beginning
 1783 with the 2010-2011 school year, all students enrolled in Algebra
 1784 I must take the Algebra I EOC assessment. Except as otherwise
 1785 provided in this section, beginning with students entering grade
 1786 9 in the 2011-2012 school year, a student who is enrolled in
 1787 Algebra I must earn a passing score on the Algebra I EOC
 1788 assessment or attain an equivalent score as authorized under
 1789 subsection (8) in order to earn course credit. A student who has
 1790 not earned a passing score on the Algebra I EOC assessment must
 1791 participate in each retake of the assessment until the student
 1792 earns a passing score. Beginning with the 2011-2012 school year,

1793 | all students enrolled in Geometry must take the Geometry EOC
 1794 | assessment. Except as otherwise provided in this section and s.
 1795 | 1003.4282, students entering grade 9 in the 2012-2013 school
 1796 | year must earn a passing score on the Geometry EOC assessment or
 1797 | attain an equivalent score as authorized under subsection (8) in
 1798 | order to earn course credit. Middle grades students enrolled in
 1799 | Algebra I or Geometry must take the statewide, standardized EOC
 1800 | assessment for those courses and are not required to take the
 1801 | corresponding grade-level FCAT.

1802 | 2. Statewide, standardized EOC assessments in science
 1803 | shall be administered according to this subparagraph. Beginning
 1804 | with the 2011-2012 school year, all students enrolled in Biology
 1805 | I must take the Biology I EOC assessment. Except as otherwise
 1806 | provided in this section and s. 1003.4282, students entering
 1807 | grade 9 in the 2012-2013 school year must earn a passing score
 1808 | on the Biology I EOC assessment in order to earn course credit.

1809 | 3. During the 2012-2013 school year, an EOC assessment in
 1810 | civics education shall be administered as a field test at the
 1811 | middle grades level. Beginning with the 2013-2014 school year,
 1812 | each student's performance on the statewide, standardized EOC
 1813 | assessment in civics education constitutes 30 percent of the
 1814 | student's final course grade.

1815 | 4. The commissioner may select one or more nationally
 1816 | developed comprehensive examinations, which may include
 1817 | examinations for a College Board Advanced Placement course,
 1818 | International Baccalaureate course, or Advanced International
 1819 | Certificate of Education course, or industry-approved
 1820 | examinations to earn national industry certifications identified

1821 in the Industry Certification Funding List for use as EOC
 1822 assessments under this paragraph, if the commissioner determines
 1823 that the content knowledge and skills assessed by the
 1824 examinations meet or exceed the grade-level expectations for the
 1825 core curricular content established for the course in the Next
 1826 Generation Sunshine State Standards. Use of any such examination
 1827 as an EOC assessment must be approved by the state board.

1828 5. Contingent upon funding provided in the General
 1829 Appropriations Act, including the appropriation of funds
 1830 received through federal grants, the commissioner may establish
 1831 an implementation schedule for the development and
 1832 administration of additional statewide, standardized EOC
 1833 assessments which must be approved by the state board. If
 1834 approved by the state board, student performance on such
 1835 assessments constitutes 30 percent of a student's final course
 1836 grade.

1837 6. All statewide, standardized EOC assessments must be
 1838 administered online, except as otherwise provided in paragraph
 1839 (c).

1840 (c) Students with disabilities; the Florida Alternate
 1841 Assessment.—

1842 1. Each district school board must provide instruction to
 1843 prepare students with disabilities in the core content knowledge
 1844 and skills necessary for successful grade-to-grade progression
 1845 and high school graduation.

1846 2. A student with a disability, as defined in s.
 1847 1007.02(2), for whom the individual education plan (IEP) team
 1848 determines that the statewide, standardized assessments under

1849 this section cannot accurately measure the student's abilities,
 1850 taking into consideration all allowable accommodations, shall
 1851 have assessment results waived for the purpose of receiving a
 1852 course grade and a standard high school diploma. Such waiver
 1853 shall be designated on the diploma as provided under s.
 1854 1003.4285.

1855 3. The State Board of Education shall adopt rules, based
 1856 upon recommendations of the commissioner, for the provision of
 1857 assessment accommodations for students with disabilities and for
 1858 students who have limited English proficiency.

1859 a. Accommodations that negate the validity of a statewide,
 1860 standardized assessment are not allowed during the
 1861 administration of the assessment. However, instructional
 1862 accommodations are allowed in the classroom if identified in a
 1863 student's IEP. Students using instructional accommodations in
 1864 the classroom that are not allowed on a statewide, standardized
 1865 assessment may have assessment results waived if the IEP team
 1866 determines that the assessment cannot accurately measure the
 1867 student's abilities.

1868 b. If a student is provided with instructional
 1869 accommodations in the classroom that are not allowed as
 1870 accommodations for statewide, standardized assessments, the
 1871 district must inform the parent in writing and provide the
 1872 parent with information regarding the impact on the student's
 1873 ability to meet expected performance levels. A parent must
 1874 provide signed consent for a student to receive classroom
 1875 instructional accommodations that would not be available or
 1876 permitted on a statewide, standardized assessment and

1877 acknowledge in writing that he or she understands the
 1878 implications of such instructional accommodations.

1879 c. If a student's IEP states that online administration of
 1880 a statewide, standardized assessment will significantly impair
 1881 the student's ability to perform, the assessment shall be
 1882 administered in hard copy.

1883 4. For students with significant cognitive disabilities,
 1884 the Department of Education shall provide for implementation of
 1885 the Florida Alternate Assessment to accurately measure the core
 1886 curricular content established in the Next Generation Sunshine
 1887 State Standards.

1888 (d) Common core assessments in English Language Arts (ELA)
 1889 and Mathematics.—

1890 1. After field and baseline testing, and contingent upon
 1891 funding, common core assessments shall be administered to
 1892 students in grades 3 through 11 in ELA. Retake opportunities for
 1893 grade 10 and grade 11 ELA assessments must be provided. Students
 1894 taking the ELA assessments are not required to take the
 1895 assessments in FCAT Reading or FCAT Writing. Common core ELA
 1896 assessments shall be administered online.

1897 2. After field and baseline testing, and contingent upon
 1898 funding, common core assessments shall be administered to all
 1899 students in grades 3 through 8 in mathematics, and common core
 1900 assessments in Algebra I, Geometry, and Algebra II shall be
 1901 administered to students enrolled in those courses. Retake
 1902 opportunities must be provided for Algebra I. Students may take
 1903 the common core mathematics assessments pursuant to the Credit
 1904 Acceleration Program (CAP) under s. 1003.4295(3). Students

1905 taking common core assessments in mathematics are not required
 1906 to take FCAT Mathematics or statewide, standardized EOC
 1907 assessments in mathematics. Common core mathematics assessments
 1908 shall be administered online.

1909 3. The State Board of Education shall adopt rules
 1910 establishing an implementation schedule to transition from FCAT
 1911 Reading, FCAT Writing, FCAT Mathematics, and Algebra I and
 1912 Geometry EOC assessments to common core assessments in English
 1913 Language Arts and Mathematics. The schedule must take into
 1914 consideration funding, sufficient field and baseline data,
 1915 access to assessments, and school district readiness to
 1916 administer the common core assessments online. In the fourth
 1917 year of administration, after field and baseline testing, the
 1918 common core assessments may, and with respect to the common core
 1919 assessments in Algebra I and 10th grade ELA shall, be required to
 1920 earn high school course credit as specified under s. 1003.4282.
 1921 Until the 10th grade common core ELA assessment and the common
 1922 core Algebra I assessment become must pass assessments, students
 1923 must pass 10th grade FCAT Reading and the Algebra I EOC
 1924 assessment, or achieve a concordant or equivalent score as
 1925 authorized under this section, in order to meet graduation
 1926 requirements under s. 1003.4282. Students taking 10th grade FCAT
 1927 Reading or the Algebra I EOC assessment are not required to take
 1928 the respective common core assessments.

1929 (e) Assessment scores and achievement levels.—

1930 1. All statewide, standardized EOC assessments and FCAT
 1931 Reading, FCAT Writing, and FCAT Science shall use scaled scores
 1932 and achievement levels. Achievement levels shall range from 1

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1933 through 5, with level 1 being the lowest achievement level,
 1934 level 5 being the highest achievement level, and level 3
 1935 indicating satisfactory performance on an assessment. For
 1936 purposes of FCAT Writing, student achievement shall be scored
 1937 using a scale of 1 through 6. Common core English Language Arts
 1938 and Mathematics assessments shall use achievement levels 1
 1939 through 5.

1940 2. The State Board of Education shall designate by rule a
 1941 passing score for each statewide, standardized EOC and FCAT
 1942 assessment. In addition, the state board shall designate a score
 1943 for each statewide, standardized EOC assessment which indicates
 1944 that a student is high achieving and has the potential to meet
 1945 college-readiness standards by the time the student graduates
 1946 from high school.

1947 3. If the Commissioner of Education seeks to revise a
 1948 statewide, standardized assessment and the revisions require the
 1949 state board to modify performance level scores, including the
 1950 passing score, the commissioner shall provide a copy of the
 1951 proposed scores and implementation plan to the President of the
 1952 Senate and the Speaker of the House of Representatives at least
 1953 90 days prior to submission to the state board for review. Until
 1954 the state board adopts the modifications by rule, the
 1955 commissioner shall use calculations for scoring the assessment
 1956 which adjust student scores on the revised assessment for
 1957 statistical equivalence to student scores on the former
 1958 assessment. The state board shall adopt by rule passing scores
 1959 for the revised assessment which are statistically equivalent to
 1960 passing scores on the discontinued assessment for a student

1961 required to attain a passing score on the discontinued
 1962 assessment. The commissioner may, with approval of the state
 1963 board, discontinue administration of the former assessment upon
 1964 the graduation, based on normal student progression, of students
 1965 participating in the final regular administration of the former
 1966 assessment. If the commissioner revises a statewide,
 1967 standardized assessment and the revisions require the state
 1968 board to modify the passing score, only students taking the
 1969 assessment for the first time after the rule is adopted are
 1970 affected.

1971 (f) Assessment schedules and reporting of results.—The
 1972 Commissioner of Education shall establish schedules for the
 1973 administration of assessments and the reporting of student
 1974 assessment results. The commissioner shall consider the
 1975 observance of religious and school holidays when developing the
 1976 schedule. The commissioner shall, by August 1 of each year,
 1977 notify each school district in writing and publish on the
 1978 department's website the assessment and reporting schedules for,
 1979 at a minimum, the school year following the upcoming school
 1980 year. The assessment and reporting schedules must provide the
 1981 earliest possible reporting of student assessment results to the
 1982 school districts. Assessment results for FCAT Reading and FCAT
 1983 Mathematics must be made available no later than the week of
 1984 June 8. The administration of FCAT Writing and the Florida
 1985 Alternate Assessment may be no earlier than the week of March 1.
 1986 School districts shall administer assessments in accordance with
 1987 the schedule established by the commissioner.

1988 (g) Prohibited activities.—A district school board shall

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1989 prohibit each public school from suspending a regular program of
 1990 curricula for purposes of administering practice assessments or
 1991 engaging in other assessment-preparation activities for a
 1992 statewide, standardized assessment. However, a district school
 1993 board may authorize a public school to engage in the following
 1994 assessment-preparation activities:

1995 1. Distributing to students sample assessment books and
 1996 answer keys published by the Department of Education.

1997 2. Providing individualized instruction in assessment-
 1998 taking strategies, without suspending the school's regular
 1999 program of curricula, for a student who scores Level 1 or Level
 2000 2 on a prior administration of an assessment.

2001 3. Providing individualized instruction in the content
 2002 knowledge and skills assessed, without suspending the school's
 2003 regular program of curricula, for a student who scores Level 1
 2004 or Level 2 on a prior administration of an assessment or a
 2005 student who, through a diagnostic assessment administered by the
 2006 school district, is identified as having a deficiency in the
 2007 content knowledge and skills assessed.

2008 4. Administering a practice assessment or engaging in
 2009 other assessment-preparation activities which are determined
 2010 necessary to familiarize students with the organization of the
 2011 assessment, the format of the assessment items, and the
 2012 assessment directions or which are otherwise necessary for the
 2013 valid and reliable administration of the assessment, as set
 2014 forth in rules adopted by the State Board of Education with
 2015 specific reference to this paragraph.

2016 (h) Contracts for assessments.—The commissioner shall

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2017 provide for the assessments to be developed or obtained, as
 2018 appropriate, through contracts and project agreements with
 2019 private vendors, public vendors, public agencies, postsecondary
 2020 educational institutions, or school districts. The commissioner
 2021 may enter into contracts for the continued administration of the
 2022 assessments authorized and funded by the Legislature. Contracts
 2023 may be initiated in 1 fiscal year and continue into the next and
 2024 may be paid from the appropriations of either or both fiscal
 2025 years. The commissioner may negotiate for the sale or lease of
 2026 tests, scoring protocols, test scoring services, and related
 2027 materials developed pursuant to law.

2028 (4) SCHOOL ASSESSMENT PROGRAMS.—Each public school shall
 2029 participate in the statewide, standardized assessment program in
 2030 accordance with the testing and reporting schedules published by
 2031 the Commissioner of Education. District school boards shall not
 2032 establish school calendars that conflict with or jeopardize
 2033 implementation of the assessment program. All district school
 2034 boards shall report assessment results as required by the state
 2035 management information system. Performance data shall be
 2036 analyzed and reported to parents, the community, and the state.
 2037 Student performance data shall be used by districts in
 2038 developing objectives for the school improvement plan,
 2039 evaluating instructional personnel and administrative personnel,
 2040 assigning staff, allocating resources, acquiring instructional
 2041 materials and technology, implementing performance-based
 2042 budgeting, and promoting and assigning students to educational
 2043 programs. The analysis of student performance data also must
 2044 identify strengths and needs in the educational program and

2045 trends over time. The analysis must be used in conjunction with
 2046 the budgetary planning processes developed pursuant to s.
 2047 1008.385 and the development of programs of remediation.

2048 (5) REQUIRED ANALYSES.—The commissioner shall provide, at
 2049 a minimum, statewide, standardized assessment data analysis
 2050 showing student achievement levels and learning gains by
 2051 teacher, school, and school district.

2052 (6) LOCAL ASSESSMENTS.—

2053 (a) Measurement of student learning gains in all subjects
 2054 and grade levels, except those subjects and grade levels
 2055 measured under the statewide, standardized assessment program
 2056 described in this section, is the responsibility of the school
 2057 districts.

2058 (b) Beginning with the 2014-2015 school year, each school
 2059 district shall administer for each course offered in the
 2060 district a student assessment that measures mastery of the
 2061 content, as described in the state-adopted course description,
 2062 at the necessary level of rigor for the course. Such assessments
 2063 may include:

2064 1. Statewide assessments.

2065 2. Other standardized assessments, including nationally
 2066 recognized standardized assessments.

2067 3. Industry certification examinations.

2068 4. District-developed or district-selected end-of-course
 2069 assessments.

2070 (c) The Commissioner of Education shall identify methods
 2071 to assist and support districts in the development and
 2072 acquisition of assessments required under this subsection.

2073 Methods may include developing item banks, facilitating the
 2074 sharing of developed tests among school districts, acquiring
 2075 assessments from state and national curriculum-area
 2076 organizations, and providing technical assistance in best
 2077 professional practices of test development based upon state-
 2078 adopted curriculum standards, administration, and security.

2079 (7) CONCORDANT SCORES FOR 10TH GRADE FCAT READING.—Until
 2080 the state transitions to common core English Language Arts
 2081 assessments, the Commissioner of Education must identify a score
 2082 on the SAT and ACT that if achieved satisfies the graduation
 2083 requirement that a student pass 10th grade FCAT Reading. The
 2084 commissioner may identify concordant scores on other assessments
 2085 as well. If the content or scoring procedures change for 10th
 2086 grade FCAT Reading, new concordant scores must be determined. If
 2087 new concordant scores are not timely adopted, the last-adopted
 2088 concordant scores remain in effect until such time as new scores
 2089 are adopted. The state board shall adopt concordant scores in
 2090 rule.

2091 (8) EQUIVALENT SCORES FOR END-OF-COURSE (EOC)
 2092 ASSESSMENTS.—The Commissioner of Education must identify one or
 2093 more equivalent scores for the Algebra I EOC assessment and may
 2094 identify equivalent scores for the other EOC assessments. If the
 2095 content or scoring procedures change for the EOC assessments,
 2096 new equivalent scores must be determined. If new equivalent
 2097 scores are not timely adopted, the last-adopted equivalent score
 2098 remains in effect until such time as a new score is adopted. The
 2099 state board shall adopt equivalent scores in rule.

2100 (9) REPORTS.—The Department of Education shall annually

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2101 provide a report to the Governor, the President of the Senate,
 2102 and the Speaker of the House of Representatives which shall
 2103 include the following:

2104 (a) Longitudinal performance of students in mathematics
 2105 and reading.

2106 (b) Longitudinal performance of students by grade level in
 2107 mathematics and reading.

2108 (c) Longitudinal performance regarding efforts to close
 2109 the achievement gap.

2110 (d) Other student performance data based on national norm-
 2111 referenced and criterion-referenced tests, if available;
 2112 national assessments such as the National Assessment of
 2113 Educational Progress; and international assessments.

2114 (e) The number of students who after 8th grade enroll in
 2115 adult education rather than other secondary education.

2116 (f) Any plan or intent to establish or implement new
 2117 statewide, standardized assessments.

2118 (10) RULES.—The State Board of Education shall adopt rules
 2119 to implement this section.

2120 Section 32. Paragraph (f) of subsection (2), paragraphs
 2121 (a) and (b) of subsection (4), paragraphs (a) and (b) of
 2122 subsection (5), paragraph (b) of subsection (6), and paragraph
 2123 (b) of subsection (7) of section 1008.25, Florida Statutes, are
 2124 amended, and paragraph (h) is added to subsection (2) of that
 2125 section, to read:

2126 1008.25 Public school student progression; remedial
 2127 instruction; reporting requirements.—

2128 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district

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2129 school board shall establish a comprehensive plan for student
2130 progression which must:

2131 (f) Advise parents and students of the early and
2132 ~~accelerated~~ graduation options under s. ss. 1003.4281 and
2133 ~~1003.429.~~

2134 (h) Provide instructional sequences by which students in
2135 kindergarten through high school may attain progressively higher
2136 levels of skill in the use of digital competency tools and
2137 applications. The instructional sequences must include
2138 demonstration of competence of standards required pursuant to
2139 ss. 1003.41 and 1003.4203 through attainment of industry
2140 certifications and other means of demonstrating credit
2141 requirements identified under ss. 1002.3105, 1003.4203,
2142 1003.428, and 1003.4282.

2143 (4) ASSESSMENT AND REMEDIATION.—

2144 (a) Each student must participate in the statewide,
2145 standardized assessment program tests required by s. 1008.22.
2146 Each student who does not meet specific levels of performance on
2147 the required assessments as determined by the district school
2148 board ~~in FCAT reading, writing, science, and mathematics for~~
2149 ~~each grade level,~~ or who scores below Level 3 on in FCAT Reading
2150 or FCAT Mathematics or on the common core English Language Arts
2151 or Mathematics assessments as applicable under s. 1008.22, must
2152 be provided with additional diagnostic assessments to determine
2153 the nature of the student's difficulty, the areas of academic
2154 need, and strategies for appropriate intervention and
2155 instruction as described in paragraph (b).

2156 (b) The school in which the student is enrolled must

2157 | develop, in consultation with the student's parent, and must
 2158 | implement a progress monitoring plan. A progress monitoring plan
 2159 | is intended to provide the school district and the school
 2160 | flexibility in meeting the academic needs of the student and to
 2161 | reduce paperwork. A student who is not meeting the school
 2162 | district or state requirements for proficiency in reading and
 2163 | mathematics ~~math~~ shall be covered by one of the following plans
 2164 | to target instruction and identify ways to improve his or her
 2165 | academic achievement:

- 2166 | 1. A federally required student plan such as an individual
 2167 | education plan;
- 2168 | 2. A schoolwide system of progress monitoring for all
 2169 | students; or
- 2170 | 3. An individualized progress monitoring plan.

2171 |
 2172 | The plan chosen must be designed to assist the student or the
 2173 | school in meeting state and district expectations for
 2174 | proficiency. If the student has been identified as having a
 2175 | deficiency in reading, the K-12 comprehensive reading plan
 2176 | required by s. 1011.62(9) shall include instructional and
 2177 | support services to be provided to meet the desired levels of
 2178 | performance. District school boards may require low-performing
 2179 | students to attend remediation programs held before or after
 2180 | regular school hours or during the summer if transportation is
 2181 | provided.

2182 | (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

2183 | (a) ~~It is the ultimate goal of the Legislature that every~~
 2184 | ~~student read at or above grade level.~~ Any student who exhibits a

2185 substantial deficiency in reading, based upon locally determined
 2186 or statewide assessments conducted in kindergarten or grade 1,
 2187 grade 2, or grade 3, or through teacher observations, must be
 2188 given intensive reading instruction immediately following the
 2189 identification of the reading deficiency. The student's reading
 2190 proficiency must be reassessed by locally determined assessments
 2191 or through teacher observations at the beginning of the grade
 2192 following the intensive reading instruction. The student must
 2193 continue to be provided with intensive reading instruction until
 2194 the reading deficiency is remedied.

2195 (b) ~~Beginning with the 2002-2003 school year, If a the~~
 2196 ~~student's reading deficiency, as identified in paragraph (a), is~~
 2197 ~~not remedied by the end of grade 3, as demonstrated by scoring~~
 2198 ~~at Level 2 or higher on the statewide, standardized assessment~~
 2199 ~~required under s. 1008.22 test in reading for grade 3, the~~
 2200 student must be retained.

2201 (6) ELIMINATION OF SOCIAL PROMOTION.—

2202 (b) The district school board may only exempt students
 2203 from mandatory retention, as provided in paragraph (5)(b), for
 2204 good cause. Good cause exemptions shall be limited to the
 2205 following:

2206 1. Limited English proficient students who have had less
 2207 than 2 years of instruction in an English for Speakers of Other
 2208 Languages program.

2209 2. Students with disabilities whose individual education
 2210 plan indicates that participation in the statewide assessment
 2211 program is not appropriate, consistent with the requirements of
 2212 State Board of Education rule.

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2213 3. Students who demonstrate an acceptable level of
 2214 performance on an alternative standardized reading or English
 2215 Language Arts assessment approved by the State Board of
 2216 Education.

2217 4. ~~A student~~ Students who ~~demonstrates~~ demonstrate,
 2218 through a student portfolio, that he or she ~~the student~~ is
 2219 performing reading on grade level as evidenced by demonstration
 2220 of mastery of the Sunshine State Standards in reading equal to
 2221 at least at a Level 2 performance on the FCAT Reading or on the
 2222 common core English Language Arts assessment, as applicable.

2223 5. Students with disabilities who participate in ~~the~~ FCAT
 2224 Reading or the common core English Language Arts assessment, as
 2225 applicable under s. 1008.22, and who have an individual
 2226 education plan or a Section 504 plan that reflects that the
 2227 student has received intensive remediation in reading or English
 2228 Language Arts for more than 2 years but still demonstrates a
 2229 deficiency ~~in reading~~ and was previously retained in
 2230 kindergarten, grade 1, grade 2, or grade 3.

2231 6. Students who have received intensive remediation in
 2232 reading or English Language Arts, as applicable under s.
 2233 1008.22, for 2 or more years but still demonstrate a deficiency
 2234 ~~in reading~~ and who were previously retained in kindergarten,
 2235 grade 1, grade 2, or grade 3 for a total of 2 years. Intensive
 2236 ~~reading~~ instruction for students so promoted must include an
 2237 altered instructional day that includes specialized diagnostic
 2238 information and specific reading strategies for each student.
 2239 The district school board shall assist schools and teachers to
 2240 implement reading strategies that research has shown to be

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2241 successful in improving reading among low-performing readers.

2242 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 2243 STUDENTS READERS.—

2244 (b) ~~Beginning with the 2004-2005 school year,~~ Each school
 2245 district shall:

2246 1. ~~Conduct a review of student progress monitoring plans~~
 2247 ~~for all students who did not score above Level 1 on the reading~~
 2248 ~~portion of the FCAT and did not meet the criteria for one of the~~
 2249 ~~good cause exemptions in paragraph (6) (b). The review shall~~
 2250 ~~address additional supports and services, as described in this~~
 2251 ~~subsection, needed to remediate the identified areas of reading~~
 2252 ~~deficiency. The school district shall require a student~~
 2253 ~~portfolio to be completed for each such student.~~

2254 1.2. Provide third grade students who are retained under
 2255 the provisions of paragraph (5) (b) with intensive instructional
 2256 services and supports to remediate the identified areas of
 2257 reading deficiency, including a minimum of 90 minutes of daily,
 2258 uninterrupted, scientifically research-based reading or English
 2259 Language Arts instruction and other strategies prescribed by the
 2260 school district, which may include, but are not limited to:

- 2261 a. Small group instruction.
- 2262 b. Reduced teacher-student ratios.
- 2263 c. More frequent progress monitoring.
- 2264 d. Tutoring or mentoring.
- 2265 e. Transition classes containing 3rd and 4th grade
- 2266 students.
- 2267 f. Extended school day, week, or year.
- 2268 g. Summer reading camps.

2269 ~~2.3-~~ Provide written notification to the parent of any
 2270 student who is retained under the provisions of paragraph (5)(b)
 2271 that his or her child has not met the proficiency level required
 2272 for promotion and the reasons the child is not eligible for a
 2273 good cause exemption as provided in paragraph (6)(b). The
 2274 notification must comply with the provisions of s. 1002.20(15)
 2275 and must include a description of proposed interventions and
 2276 supports that will be provided to the child to remediate the
 2277 identified areas of reading deficiency.

2278 ~~3.4-~~ Implement a policy for the midyear promotion of any
 2279 student retained under the provisions of paragraph (5)(b) who
 2280 can demonstrate that he or she is a successful and independent
 2281 reader and performing,~~reading~~ at or above grade level in
 2282 reading or English Language Arts, as applicable under s.
 2283 1008.22,~~and ready to be promoted to grade 4.~~ Tools that school
 2284 districts may use in reevaluating any student retained may
 2285 include subsequent assessments, alternative assessments, and
 2286 portfolio reviews, in accordance with rules of the State Board
 2287 of Education. ~~Students promoted during the school year after~~
 2288 ~~November 1 must demonstrate proficiency above that required to~~
 2289 ~~score at Level 2 on the grade 3 FCAT, as determined by the State~~
 2290 ~~Board of Education. The State Board of Education shall adopt~~
 2291 ~~standards that provide a reasonable expectation that the~~
 2292 ~~student's progress is sufficient to master appropriate 4th grade~~
 2293 ~~level reading skills.~~

2294 ~~4.5-~~ Provide students who are retained under the
 2295 provisions of paragraph (5)(b) with a high-performing teacher as
 2296 determined by student performance data and above-satisfactory

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2297 performance appraisals.

2298 ~~6. In addition to required reading enhancement and~~
 2299 ~~acceleration strategies, provide parents of students to be~~
 2300 ~~retained with at least one of the following instructional~~
 2301 ~~options:~~

2302 ~~a. Supplemental tutoring in scientifically research-based~~
 2303 ~~reading services in addition to the regular reading block,~~
 2304 ~~including tutoring before and/or after school.~~

2305 ~~b. A "Read at Home" plan outlined in a parental contract,~~
 2306 ~~including participation in "Families Building Better Readers~~
 2307 ~~Workshops" and regular parent-guided home reading.~~

2308 ~~c. A mentor or tutor with specialized reading training.~~

2309 ~~7. Establish a Reading Enhancement and Acceleration~~
 2310 ~~Development (READ) Initiative. The focus of the READ Initiative~~
 2311 ~~shall be to prevent the retention of grade 3 students and to~~
 2312 ~~offer intensive accelerated reading instruction to grade 3~~
 2313 ~~students who failed to meet standards for promotion to grade 4~~
 2314 ~~and to each K-3 student who is assessed as exhibiting a reading~~
 2315 ~~deficiency. The READ Initiative shall:~~

2316 ~~a. Be provided to all K-3 students at risk of retention as~~
 2317 ~~identified by the statewide assessment system used in Reading~~
 2318 ~~First schools. The assessment must measure phonemic awareness,~~
 2319 ~~phonics, fluency, vocabulary, and comprehension.~~

2320 ~~b. Be provided during regular school hours in addition to~~
 2321 ~~the regular reading instruction.~~

2322 ~~c. Provide a state-identified reading curriculum that has~~
 2323 ~~been reviewed by the Florida Center for Reading Research at~~
 2324 ~~Florida State University and meets, at a minimum, the following~~

2325 specifications:

2326 ~~(I) Assists students assessed as exhibiting a reading~~
 2327 ~~deficiency in developing the ability to read at grade level.~~

2328 ~~(II) Provides skill development in phonemic awareness,~~
 2329 ~~phonics, fluency, vocabulary, and comprehension.~~

2330 ~~(III) Provides scientifically based and reliable~~
 2331 ~~assessment.~~

2332 ~~(IV) Provides initial and ongoing analysis of each~~
 2333 ~~student's reading progress.~~

2334 ~~(V) Is implemented during regular school hours.~~

2335 ~~(VI) Provides a curriculum in core academic subjects to~~
 2336 ~~assist the student in maintaining or meeting proficiency levels~~
 2337 ~~for the appropriate grade in all academic subjects.~~

2338 5.8. Establish at each school, when where applicable, an
 2339 Intensive Acceleration Class for retained grade 3 students who
 2340 subsequently score ~~at~~ Level 1 on the required statewide,
 2341 standardized assessment identified under s. 1008.22 ~~reading~~
 2342 ~~portion of the FCAT.~~ The focus of the Intensive Acceleration
 2343 Class shall be to increase a child's reading and English
 2344 Language Arts skill level at least two grade levels in 1 school
 2345 year. The Intensive Acceleration Class shall:

2346 a. Be provided to any student in grade 3 who scores ~~at~~
 2347 Level 1 on the reading portion of the FCAT Reading or the common
 2348 core English Language Arts assessment, as applicable, and who
 2349 was retained in grade 3 the prior year because of scoring ~~at~~
 2350 Level 1 ~~on the reading portion of the FCAT.~~

2351 b. Have a reduced teacher-student ratio.

2352 c. Provide uninterrupted reading instruction for the

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2353 majority of student contact time each day and incorporate
 2354 opportunities to master the grade 4 Next Generation Sunshine
 2355 State Standards in other core subject areas.

2356 d. Use a reading program that is scientifically research-
 2357 based and has proven results in accelerating student reading
 2358 achievement within the same school year.

2359 e. Provide intensive language and vocabulary instruction
 2360 using a scientifically research-based program, including use of
 2361 a speech-language therapist.

2362 ~~f. Include weekly progress monitoring measures to ensure~~
 2363 ~~progress is being made.~~

2364 ~~g. Report to the Department of Education, in the manner~~
 2365 ~~described by the department, the progress of students in the~~
 2366 ~~class at the end of the first semester.~~

2367 ~~9. Report to the State Board of Education, as requested,~~
 2368 ~~on the specific intensive reading interventions and supports~~
 2369 ~~implemented at the school district level. The Commissioner of~~
 2370 ~~Education shall annually prescribe the required components of~~
 2371 ~~requested reports.~~

2372 ~~10. Provide a student who has been retained in grade 3 and~~
 2373 ~~has received intensive instructional services but is still not~~
 2374 ~~ready for grade promotion, as determined by the school district,~~
 2375 ~~the option of being placed in a transitional instructional~~
 2376 ~~setting. Such setting shall specifically be designed to produce~~
 2377 ~~learning gains sufficient to meet grade 4 performance standards~~
 2378 ~~while continuing to remediate the areas of reading deficiency.~~

2379 Section 33. Subsection (3) of section 1008.30, Florida
 2380 Statutes, is amended to read:

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2381 1008.30 Common placement testing for public postsecondary
 2382 education.—
 2383 (3) The State Board of Education shall adopt rules that
 2384 require high schools to evaluate before the beginning of grade
 2385 12 the college readiness of each student who scores at Level 2
 2386 or Level 3 on ~~the reading portion of the~~ grade 10 FCAT Reading
 2387 or the English Language Arts assessment under s. 1008.22, as
 2388 applicable, or Level 2, Level 3, or Level 4 on the Algebra I
 2389 assessment ~~mathematics assessments~~ under s. 1008.22
 2390 ~~1008.22(3)(e)~~. High schools shall perform this evaluation using
 2391 results from the corresponding component of the common placement
 2392 test prescribed in this section, or an alternative equivalent
 2393 test identified by the State Board of Education. The State Board
 2394 of Education shall identify in rule the assessments necessary to
 2395 perform the evaluations required by this subsection and shall
 2396 work with the school districts to administer the assessments.
 2397 The State Board of Education shall establish by rule the minimum
 2398 test scores a student must achieve to demonstrate readiness.
 2399 Students who demonstrate readiness by achieving the minimum test
 2400 scores established by the state board and enroll in a Florida
 2401 College System institution within 2 years of achieving such
 2402 scores shall not be required to retest or enroll in remediation
 2403 when admitted to any Florida College System institution. The
 2404 high school shall use the results of the test to advise the
 2405 students of any identified deficiencies and to provide 12th
 2406 grade students, and require them to complete, appropriate
 2407 postsecondary preparatory instruction prior to high school
 2408 graduation. The curriculum provided under this subsection shall

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2409 be identified in rule by the State Board of Education and
 2410 encompass Florida's Postsecondary Readiness Competencies. Other
 2411 elective courses may not be substituted for the selected
 2412 postsecondary ~~reading,~~ mathematics, reading, ~~or~~ writing, or
 2413 English Language Arts preparatory course unless the elective
 2414 course covers the same competencies included in the
 2415 postsecondary ~~reading,~~ mathematics, reading, ~~or~~ writing, or
 2416 English Language Arts preparatory course.

2417 Section 34. Paragraphs (b) and (c) of subsection (3) of
 2418 section 1008.34, Florida Statutes, are amended to read:

2419 1008.34 School grading system; school report cards;
 2420 district grade.—

2421 (3) DESIGNATION OF SCHOOL GRADES.—

2422 (b)1. A school's grade shall be based on a combination of:

2423 a. Student achievement scores on statewide, standardized,
 2424 ~~including achievement as measured by FCAT~~ assessments under s.
 2425 1008.22 ~~1008.22(3)(c)1., statewide, standardized end-of-course~~
 2426 ~~assessments under s. 1008.22(3)(c)2.a. and b.,~~ and achievement
 2427 scores for students seeking a special diploma.

2428 b. Student learning gains in FCAT Reading or, upon
 2429 transition to common core assessments, the common core English
 2430 Language Arts and Mathematics assessments as measured by ~~FCAT~~
 2431 ~~and~~ statewide, standardized ~~end-of-course~~ assessments
 2432 administered pursuant to s. 1008.22, ~~as described in s.~~
 2433 ~~1008.22(3)(c)1. and 2.a.,~~ including learning gains for students
 2434 seeking a special diploma, as measured by an alternate
 2435 assessment.

2436 c. Improvement of the lowest 25th percentile of students

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2437 in the school in reading or, upon transition to common core
 2438 assessments, English Language Arts and Mathematics ~~on the FCAT~~
 2439 ~~or end-of-course~~ assessments administered pursuant to s. 1008.22
 2440 ~~described in s. 1008.22(3)(c)2.a.~~, unless these students are
 2441 exhibiting satisfactory performance.

2442 2. Beginning with the 2011-2012 school year, for schools
 2443 comprised of middle ~~school~~ grades 6 through 8 or grades 7 and 8,
 2444 the school's grade shall include the performance and
 2445 participation of its students enrolled in high school level
 2446 courses with statewide, standardized ~~end-of-course~~ assessments
 2447 administered under s. 1008.22 ~~1008.22(3)(c)2.a.~~ Performance and
 2448 participation must be weighted equally. As valid data becomes
 2449 available, the school grades shall include the students'
 2450 attainment of national industry certification identified in the
 2451 Industry Certification Funding List pursuant to rules adopted by
 2452 the state board.

2453 3. Beginning with the 2009-2010 school year for schools
 2454 comprised of high school grades 9, 10, 11, and 12, or grades 10,
 2455 11, and 12, at least 50 percent of the school grade shall be
 2456 based on a combination of the factors listed in sub-
 2457 subparagraphs 1.a.-c. and the remaining percentage on the
 2458 following factors:

- 2459 a. The high school graduation rate of the school;
- 2460 b. As valid data becomes available, the performance and
- 2461 participation of the school's students in College Board Advanced
- 2462 Placement courses, International Baccalaureate courses, dual
- 2463 enrollment courses, and Advanced International Certificate of
- 2464 Education courses; and the students' achievement of national

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2465 industry certification identified in the Industry Certification
 2466 Funding List, pursuant to rules adopted by the state board;

2467 c. Postsecondary readiness of all of the school's on-time
 2468 graduates as measured by the SAT, the ACT, the Postsecondary
 2469 Education Readiness Test, or the common placement test;

2470 d. The high school graduation rate of at-risk students,
 2471 who score ~~are students scoring at~~ Level 1 or Level 2 on grade 8
 2472 FCAT Reading or the English Language Arts and ~~FCAT~~ mathematics
 2473 assessments administered under s. 1008.22;

2474 e. As valid data becomes available, the performance of the
 2475 school's students on statewide, standardized end-of-course
 2476 assessments administered under s. 1008.22(3)(b)4. and 5.
 2477 ~~1008.22(3)(c)2.c. and d.;~~ and

2478 f. The growth or decline in the components listed in sub-
 2479 subparagraphs a.-e. from year to year.

2480 (c) Student assessment data used in determining school
 2481 grades shall include:

2482 1. The aggregate scores of all eligible students enrolled
 2483 in the school who have been assessed on ~~the FCAT and~~ statewide,
 2484 standardized ~~end-of-course~~ assessments in courses required for
 2485 high school graduation, including, beginning with the 2011-2012
 2486 school year, the end-of-course assessment in Algebra I; and
 2487 beginning with the 2012-2013 school year, the end-of-course
 2488 assessments in geometry and Biology I; and beginning with the
 2489 2014-2015 school year, on the statewide, standardized end-of-
 2490 course assessment in civics education at the middle grades
 2491 ~~school~~ level.

2492 2. The aggregate scores of all eligible students enrolled

2493 in the school who have been assessed on ~~the FCAT and~~ statewide,
 2494 standardized ~~end-of-course~~ assessments under s. 1008.22 ~~as~~
 2495 ~~described in s. 1008.22(3)(e)2.a.~~, and who have scored at or in
 2496 the lowest 25th percentile of students in the school in reading
 2497 and mathematics, unless these students are exhibiting
 2498 satisfactory performance.

2499 3. The achievement scores and learning gains of eligible
 2500 students attending alternative schools that provide dropout
 2501 prevention and academic intervention services pursuant to s.
 2502 1003.53. The term "eligible students" in this subparagraph does
 2503 not include students attending an alternative school who are
 2504 subject to district school board policies for expulsion for
 2505 repeated or serious offenses, who are in dropout retrieval
 2506 programs serving students who have officially been designated as
 2507 dropouts, or who are in programs operated or contracted by the
 2508 Department of Juvenile Justice. The student performance data for
 2509 eligible students identified in this subparagraph shall be
 2510 included in the calculation of the home school's grade. As used
 2511 in this subparagraph and s. 1008.341, the term "home school"
 2512 means the school to which the student would be assigned if the
 2513 student were not assigned to an alternative school. If an
 2514 alternative school chooses to be graded under this section,
 2515 student performance data for eligible students identified in
 2516 this subparagraph shall not be included in the home school's
 2517 grade but shall be included only in the calculation of the
 2518 alternative school's grade. A school district that fails to
 2519 assign ~~the FCAT and~~ statewide, standardized end-of-course
 2520 assessment ~~as described in s. 1008.22(3)(e)2.a.~~ scores of each

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2521 of its students to his or her home school or to the alternative
 2522 school that receives a grade shall forfeit Florida School
 2523 Recognition Program funds for 1 fiscal year. School districts
 2524 must require collaboration between the home school and the
 2525 alternative school in order to promote student success. This
 2526 collaboration must include an annual discussion between the
 2527 principal of the alternative school and the principal of each
 2528 student's home school concerning the most appropriate school
 2529 assignment of the student.

2530 4. The achievement scores and learning gains of students
 2531 designated as hospital- or homebound. Student assessment data
 2532 for students designated as hospital- or homebound shall be
 2533 assigned to their home school for the purposes of school grades.
 2534 As used in this subparagraph, the term "home school" means the
 2535 school to which a student would be assigned if the student were
 2536 not assigned to a hospital- or homebound program.

2537 5. For schools comprised of high school grades 9, 10, 11,
 2538 and 12, or grades 10, 11, and 12, the data listed in
 2539 subparagraphs 1.-3. and the following data as the Department of
 2540 Education determines such data are valid and available:

2541 a. The high school graduation rate of the school as
 2542 calculated by the department;

2543 b. The participation rate of all eligible students
 2544 enrolled in the school and enrolled in College Board Advanced
 2545 Placement courses; International Baccalaureate courses; dual
 2546 enrollment courses; Advanced International Certificate of
 2547 Education courses; and courses or sequences of courses leading
 2548 to national industry certification identified in the Industry

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2549 Certification Funding List, pursuant to rules adopted by the
 2550 State Board of Education;

2551 c. The aggregate scores of all eligible students enrolled
 2552 in the school in College Board Advanced Placement courses,
 2553 International Baccalaureate courses, and Advanced International
 2554 Certificate of Education courses;

2555 d. Earning of college credit by all eligible students
 2556 enrolled in the school in dual enrollment programs under s.
 2557 1007.271;

2558 e. Earning of a national industry certification identified
 2559 in the Industry Certification Funding List, pursuant to rules
 2560 adopted by the State Board of Education;

2561 f. The aggregate scores of all eligible students enrolled
 2562 in the school in reading, mathematics, and other subjects as
 2563 measured by the SAT, the ACT, the Postsecondary Education
 2564 Readiness Test, and the common placement test for postsecondary
 2565 readiness;

2566 g. The high school graduation rate of all eligible at-risk
 2567 students enrolled in the school who scored at Level 2 or lower
 2568 on grade 8 FCAT Reading and FCAT Mathematics;

2569 h. The performance of the school's students on statewide,
 2570 standardized end-of-course assessments administered under s.
 2571 1008.22(3)(b)4. and 5. ~~1008.22(3)(c)2.c. and d.~~; and

2572 i. The growth or decline in the data components listed in
 2573 sub-subparagraphs a.-h. from year to year.

2574

2575 The State Board of Education shall adopt appropriate criteria
 2576 for each school grade. The criteria must also give added weight

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2577 to student achievement in reading. Schools earning a grade of
 2578 "C," making satisfactory progress, shall be required to
 2579 demonstrate that adequate progress has been made by students in
 2580 the school who are in the lowest 25th percentile in reading and
 2581 mathematics on statewide, standardized ~~the FCAT and end-of-~~
 2582 ~~course assessments under s. 1008.22 as described in s.~~
 2583 ~~1008.22(3)(c)2.a.~~, unless these students are exhibiting
 2584 satisfactory performance. For schools comprised of high school
 2585 grades 9, 10, 11, and 12, or grades 10, 11, and 12, the criteria
 2586 for school grades must also give added weight to the graduation
 2587 rate of all eligible at-risk students. In order for a high
 2588 school to earn a grade of "A," the school must demonstrate that
 2589 its at-risk students, as defined in this paragraph, are making
 2590 adequate progress.

2591 Section 35. Section 1008.44, Florida Statutes, is created
 2592 to read:

2593 1008.44 Industry certifications; industry certification
 2594 funding list and postsecondary industry certification funding
 2595 list.-

2596 (1) Pursuant to s. 1003.492, the Department of Education
 2597 shall, at least annually, identify, under rules adopted by the
 2598 State Board of Education, the Industry Certification Funding
 2599 List that must be applied in the distribution of funding to
 2600 school districts pursuant to s. 1011.62. The commissioner may at
 2601 any time recommend adding or deleting certifications as
 2602 appropriate.

2603 (2) The State Board of Education shall adopt, at least
 2604 annually, the Postsecondary Industry Certification Funding List

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2605 pursuant to this section. The commissioner shall recommend, at
 2606 least annually, the Postsecondary Industry Certification Funding
 2607 List to the State Board of Education and may at any time
 2608 recommend adding or deleting certifications as appropriate. The
 2609 list shall be used to determine annual performance funding
 2610 distributions to school districts or Florida College System
 2611 institutions pursuant to ss. 1011.80 and 1011.81, as
 2612 appropriate, for career education programs and workforce
 2613 education programs. The Chancellor of the State University
 2614 System, the Chancellor of the Florida College System, and the
 2615 Chancellor of Career and Adult Education shall work with local
 2616 workforce boards, other postsecondary institutions, business,
 2617 and industry to identify, create, and recommend to the
 2618 commissioner industry certifications to be placed on the funding
 2619 list. The chancellors shall review results of the economic
 2620 security report of employment and earning outcomes produced
 2621 annually pursuant to s. 445.07 when determining recommended
 2622 certifications for the list as well as other reports and
 2623 indicators available regarding certification needs.

2624 (3) In the case of rigorous industry certifications that
 2625 have embedded prerequisite minimum age, grade level, diploma or
 2626 degree, postgraduation period of work experience, or other
 2627 reasonable requirements that may limit the extent to which a
 2628 student can complete all requirements of the certification
 2629 recognized by industry for employment purposes, the commissioner
 2630 shall differentiate content, instructional, and assessment
 2631 requirements that, when provided by a public institution and
 2632 satisfactorily attained by a student, indicate accomplishment of

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2633 requirements necessary for funding pursuant to ss. 1011.62,
 2634 1011.80, and 1011.81, notwithstanding attainment of prerequisite
 2635 requirements necessary for recognition by industry for
 2636 employment purposes. The differentiated requirements established
 2637 by the commissioner shall be included in the Industry
 2638 Certification Funding List at the time the certification is
 2639 adopted.

2640 Section 36. Paragraph (b) of subsection (1) of section
 2641 1009.531, Florida Statutes, is amended to read:

2642 1009.531 Florida Bright Futures Scholarship Program;
 2643 student eligibility requirements for initial awards.—

2644 (1) Effective January 1, 2008, in order to be eligible for
 2645 an initial award from any of the three types of scholarships
 2646 under the Florida Bright Futures Scholarship Program, a student
 2647 must:

2648 (b) Earn a standard Florida high school diploma or its
 2649 equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.4282,
 2650 ~~s. 1003.429, s. 1003.43,~~ or s. 1003.435 unless:

2651 1. The student completes a home education program
 2652 according to s. 1002.41; or

2653 2. The student earns a high school diploma from a non-
 2654 Florida school while living with a parent or guardian who is on
 2655 military or public service assignment away from Florida.

2656 Section 37. Paragraph (c) of subsection (1) of section
 2657 1011.61, Florida Statutes, is amended to read:

2658 1011.61 Definitions.—Notwithstanding the provisions of s.
 2659 1000.21, the following terms are defined as follows for the
 2660 purposes of the Florida Education Finance Program:

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2661 (1) A "full-time equivalent student" in each program of
 2662 the district is defined in terms of full-time students and part-
 2663 time students as follows:

2664 (c)1. A "full-time equivalent student" is:

2665 a. A full-time student in any one of the programs listed
 2666 in s. 1011.62(1)(c); or

2667 b. A combination of full-time or part-time students in any
 2668 one of the programs listed in s. 1011.62(1)(c) which is the
 2669 equivalent of one full-time student based on the following
 2670 calculations:

2671 (I) A full-time student in a combination of programs
 2672 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 2673 equivalent membership in each program equal to the number of net
 2674 hours per school year for which he or she is a member, divided
 2675 by the appropriate number of hours set forth in subparagraph
 2676 (a)1. or subparagraph (a)2. The sum of the fractions for each
 2677 program may not exceed the maximum value set forth in subsection
 2678 (4).

2679 (II) A prekindergarten student with a disability shall
 2680 meet the requirements specified for kindergarten students.

2681 (III) A full-time equivalent student for students in
 2682 kindergarten through grade 12 in a full-time virtual instruction
 2683 program under s. 1002.45 or a virtual charter school under s.
 2684 1002.33 shall consist of six full-credit completions or the
 2685 prescribed level of content that counts toward promotion to the
 2686 next grade in programs listed in s. 1011.62(1)(c). Credit
 2687 completions may be a combination of full-credit courses or half-
 2688 credit courses. ~~Beginning in the 2014-2015 fiscal year, when s.~~

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2689 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~
 2690 ~~students and associated funding of students enrolled in courses~~
 2691 ~~requiring passage of an end-of-course assessment shall be~~
 2692 ~~adjusted after the student completes the end-of-course~~
 2693 ~~assessment.~~

2694 (IV) A full-time equivalent student for students in
 2695 kindergarten through grade 12 in a part-time virtual instruction
 2696 program under s. 1002.45 shall consist of six full-credit
 2697 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 2698 Credit completions may be a combination of full-credit courses
 2699 or half-credit courses. ~~Beginning in the 2014-2015 fiscal year,~~
 2700 ~~when s. 1008.22(3)(g) is implemented, the reported full-time~~
 2701 ~~equivalent students and associated funding of students enrolled~~
 2702 ~~in courses requiring passage of an end-of-course assessment~~
 2703 ~~shall be adjusted after the student completes the end-of-course~~
 2704 ~~assessment.~~

2705 (V) A Florida Virtual School full-time equivalent student
 2706 shall consist of six full-credit completions or the prescribed
 2707 level of content that counts toward promotion to the next grade
 2708 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
 2709 participating in kindergarten through grade 12 part-time virtual
 2710 instruction and the programs listed in s. 1011.62(1)(c) for
 2711 students participating in kindergarten through grade 12 full-
 2712 time virtual instruction. Credit completions may be a
 2713 combination of full-credit courses or half-credit courses.
 2714 ~~Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is~~
 2715 ~~implemented, the reported full-time equivalent students and~~
 2716 ~~associated funding of students enrolled in courses requiring~~

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2717 ~~passage of an end-of-course assessment shall be adjusted after~~
 2718 ~~the student completes the end-of-course assessment.~~

2719 (VI) Each successfully completed full-credit course earned
 2720 through an online course delivered by a district other than the
 2721 one in which the student resides shall be calculated as 1/6
 2722 FTE.

2723 ~~(VII) Each successfully completed credit earned under the~~
 2724 ~~alternative high school course credit requirements authorized in~~
 2725 ~~s. 1002.375, which is not reported as a portion of the 900 net~~
 2726 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
 2727 ~~calculated as 1/6 FTE.~~

2728 (VII) ~~(VIII) (A) A full-time equivalent student for courses~~
 2729 ~~requiring a statewide, standardized end-of-course assessment~~
 2730 ~~pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported~~
 2731 ~~based on the number of instructional hours as provided in this~~
 2732 ~~subsection for the first 3 years of administering the end-of-~~
 2733 ~~course assessment. Beginning in the fourth year of administering~~
 2734 ~~the end-of-course assessment, the FTE shall be credit-based and~~
 2735 ~~each course shall be equal to 1/6 FTE. The reported FTE shall~~
 2736 ~~be adjusted after the student successfully completes the end-of-~~
 2737 ~~course assessment pursuant to s. 1008.22(3)(c)2.a.~~

2738 (A) ~~(B)~~ For students enrolled in a school district as a
 2739 full-time student, the district may report 1/6 FTE for each
 2740 student who passes a statewide, standardized end-of-course
 2741 assessment without being enrolled in the corresponding course.

2742 (B) ~~(C)~~ The FTE earned under this sub-sub-subparagraph and
 2743 any FTE for courses or programs listed in s. 1011.62(1)(c) that
 2744 do not require passing a statewide, standardized end-of-course

2745 assessment are subject to the requirements in subsection (4).

2746 2. A student in membership in a program scheduled for more
 2747 or less than 180 school days or the equivalent on an hourly
 2748 basis as specified by rules of the State Board of Education is a
 2749 fraction of a full-time equivalent membership equal to the
 2750 number of instructional hours in membership divided by the
 2751 appropriate number of hours set forth in subparagraph (a)1.;
 2752 however, for the purposes of this subparagraph, membership in
 2753 programs scheduled for more than 180 days is limited to students
 2754 enrolled in juvenile justice education programs and the Florida
 2755 Virtual School.

2756
 2757 The department shall determine and implement an equitable method
 2758 of equivalent funding for experimental schools and for schools
 2759 operating under emergency conditions, which schools have been
 2760 approved by the department to operate for less than the minimum
 2761 school day.

2762 Section 38. Paragraph (b) of subsection (1) of section
 2763 1012.22, Florida Statutes, is amended to read:

2764 1012.22 Public school personnel; powers and duties of the
 2765 district school board.—The district school board shall:

2766 (1) Designate positions to be filled, prescribe
 2767 qualifications for those positions, and provide for the
 2768 appointment, compensation, promotion, suspension, and dismissal
 2769 of employees as follows, subject to the requirements of this
 2770 chapter:

2771 (b) Time to act on nominations.—The district school board
 2772 shall act not later than 3 weeks following the receipt of

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2773 statewide, standardized ~~FCAT~~ scores and data under s. 1008.22,
 2774 including school grades, or June 30, whichever is later, on the
 2775 district school superintendent's nominations of supervisors,
 2776 principals, and members of the instructional staff.

2777 Section 39. Subsection (4) of section 1012.56, Florida
 2778 Statutes, is amended to read:

2779 1012.56 Educator certification requirements.—

2780 (4) ALIGNMENT OF SUBJECT AREAS. ~~As the Sunshine State~~
 2781 ~~Standards are replaced by the Next Generation Sunshine State~~
 2782 ~~Standards under s. 1003.41,~~ The State Board of Education shall
 2783 align the subject area examinations to the Next Generation
 2784 Sunshine State Standards.

2785 Section 40. Subsection (26) of section 1001.42, Florida
 2786 Statutes, is renumbered as subsection (27), respectively, and
 2787 subsection (26) is added to that section, to read:

2788 1001.42 Powers and duties of district school board.—The
 2789 district school board, acting as a board, shall exercise all
 2790 powers and perform all duties listed below:

2791 (26) TECHNICAL CENTER GOVERNING BOARD.—Each district school
 2792 board may appoint a governing board for a school district
 2793 technical center or a system of technical centers for the
 2794 purpose of aligning the educational programs of the technical
 2795 center with the needs of local businesses and responding quickly
 2796 to local businesses' needs for employees holding industry
 2797 certifications. A technical center governing board must be
 2798 comprised of seven members, three of whom must be members of the
 2799 school board or their designees and four of whom must be local
 2800 business leaders. The district school board shall delegate to

2801 the technical center governing board decisions regarding
 2802 entrance requirements for students, curriculum, program
 2803 development, budget and funding allocations, and the development
 2804 of partnership agreements and appropriate industry
 2805 certifications with local businesses in order to meet local and
 2806 regional economic needs. A technical center governing board may
 2807 approve only courses and programs that contain industry
 2808 certifications. A course may be continued if at least 25 percent
 2809 of the students enrolled in the course attain an industry
 2810 certification. If fewer than 25 percent of the students enrolled
 2811 in a course attain an industry certification, the course must be
 2812 discontinued the following year.

2813 Section 41. Any student who selected and is participating
 2814 in an accelerated graduation option under s. 1003.429, Florida
 2815 Statutes, before July 1, 2013, may continue that option, and all
 2816 statutory program requirements of the accelerated option shall
 2817 remain applicable to the student as long as the student
 2818 continues participation in the option.

2819 Section 42. The Division of Law Revision and Information
 2820 is directed to change the term "Sunshine State Standards" to
 2821 "Next Generation Sunshine State Standards" wherever it appears
 2822 in the Florida Statutes.

2823 Section 43. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB KTS 13-03 An act relating to K-20 Education

SPONSOR(S): K-12 Subcommittee

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee		Beagle <i>GB</i>	Ahearn <i>MA</i>

SUMMARY ANALYSIS

The bill creates three new standard high school diploma designations, i.e., the College and Career, Industry, and Scholar designations. The course and testing requirements vary for each designation, thereby enabling students to tailor their course of study to their post-high school graduation goals. The designations are effective for students entering 9th grade in the 2013-14 school year; however, students currently in high school may opt into a designation. The bill establishes a process for developing career education courses that enable students to simultaneously earn credit in the career course and core academic credit required for graduation. The bill requires incorporation of financial literacy into the required high school economics course and directs the Commissioner of Education to conduct a cost analysis regarding offering financial literacy as a stand-alone .5 credit course.

The bill increases emphasis on digital literacy by requiring school district student progression plans to address use of digital competency tools, requiring districts to provide digital instructional materials to students in PreK-12, including students with disabilities; and establishing three digital literacy programs enabling elementary and middle school students to demonstrate mastery of digital literacy concepts.

The bill strengthens student opportunities to earn industry certification by establishing a Postsecondary Industry Certification Funding List for postsecondary industry certification programs; authorizing funding of industry certifications that have embedded minimum age or other requirements that limit student's ability to earn full certification while in high school; and incorporating industry certifications into existing acceleration mechanisms, e.g., ACCEL options, career dual enrollment, and career early admission.

Several statutory changes made by the bill conform Florida law to the recent replacement of the Sunshine State Standards (SSS) with the Next Generation Sunshine State Standards (NGSSS) and Florida's transition to Common Core State Standards (CCSS) in mathematics and English Language Arts (ELA). The definition of SSS and NGSSS is revised to include the CCSS in mathematics and ELA.

The state board is directed to adopt an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics, and statewide, standardized end-of-course (EOC) assessments in Algebra I and Geometry to common core assessments in mathematics and ELA. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, and school district readiness to administer the common core assessments online. In the fourth year of administration, after field and baseline testing, the common core assessment may, and with respect to the common core assessments in Algebra I and 10th grade ELA shall, be required to earn high school course credit. Until the 10th grade common core ELA assessment and the common core Algebra I assessment become must pass assessments, students must pass 10th grade FCAT Reading and the Algebra I EOC assessment, or achieve a concordant or equivalent score in order to meet graduation requirements.

Among other changes made to statewide assessments, the bill revises the weighting of the middle school Civics EOC assessment from "must pass" to 30 percent of the course grade and requires the Commissioner of Education to adopt a concordant score on the SAT and ACT for 10th grade FCAT Reading and equivalent scores on at least one assessment for the Algebra I EOC assessment. Provisions are repealed that condition school district and Florida Virtual School receipt of funding for students enrolled in courses with a statewide EOC assessment on student passage of assessments.

The bill has an indeterminate fiscal impact on the Department of Education and school districts.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

High School Reform

The high school reform effort that began in Florida in 2006 was based upon research suggesting that states' high school curricula lacked rigor and relevance, resulting in decreased student engagement and high dropout rates. The research suggested that increasing the rigor of core graduation course requirements and strengthening career education options would better engage students. In turn, this would increase graduation rates and college and career readiness.¹ These reforms included:

- Strengthening middle school course requirements to better prepare students for 9th grade.
- Increasing the number and level of rigor of mathematics and science credits required for a standard high school diploma.
- Basing high school graduation upon proficiency and credit completion and implementing statewide, standardized end-of-course (EOC) assessments to measure proficiency in courses required for graduation.
- Strengthening career education programs and student advising practices.²

HB 7087 (2006) was the first major reform made to the high school curriculum. Among other things, HB 7087:

- Increased the number of mathematics credits required for graduation with a standard high school diploma from three to four, including one credit in Algebra I. School districts were directed to set goals for increasing enrollment and completion of geometry and Algebra II.
- Established middle grades course completion requirements for promotion from middle school to high school.
- Required middle school students to complete a career and education planning course resulting in an academic and career plan for the student.
- Authorized the establishment of career and professional academies providing a rigorous academic and career curriculum leading to a standard high school diploma and industry certification.³

The following year, the Legislature enacted CS/CS/SB 1232 (2007), which:

- Required school districts, in collaboration with local workforce boards, postsecondary institutions, and employers, to establish strategic plans for developing career and professional academy programs aligned with state and local workforce needs.⁴
- Required each school district to have at least one operational career and professional academy by the start of the 2008-09 school year.
- Provided weighted Full-Time Equivalent (FTE) student funding to school districts for each student completing an industry certification.⁵

¹ See, e.g., Southern Regional Education Board, *Using Rigor, Relevance and Relationships to Improve Student Achievement*, at 3-7 (2004), available at http://publications.sreb.org/2004/04V08_2004_Outstanding_Practices.pdf; see e.g., Southern Regional Education Board, *Raise Academic Standards and Get More Students to Complete High School: How 13 Georgia Schools Did It*, at 3 (Feb. 2004), available at http://publications.sreb.org/2004/04V01_ResearchBrief-Georgia_Schools.pdf.

² Florida High School Reform Task Force, Recommendations of the High School Reform Task Force, hearing before the House PreK-12 Committee (Feb. 7, 2006).

³ Sections 21, 23, and 27, ch. 2006-74, L.O.F.

⁴ Strategic plans were revised from five-year to three-year plans in 2012. Section 13, ch. 2012-191, L.O.F.

⁵ Sections 1 and 5, ch. 2007-216, L.O.F.

This legislation was followed by CS/SB 1908 (2008), which:

- Provided for the replacement of the Sunshine State Standards with more rigorous Next Generation Sunshine State Standards.
- Authorized the Commissioner of Education, for the first time, to develop EOC assessments for measuring student achievement of core curricula content.⁶

When the Florida Legislature enacted CS/CS/SB 4 in 2010, student performance on international assessments of mathematics and science indicated that U.S. students were losing ground to their peers in Asian and European countries.⁷ This was cited as evidence that U.S. high school students lacked the mathematics and science skills to compete effectively in a global, knowledge-based economy.⁸ Furthermore, research available at the time suggested that the mathematics and science skills necessary to succeed in college and careers were almost identical.⁹ Florida was one of several states that responded by increasing the rigor of high school mathematics and science graduation requirements.¹⁰ CS/CS/SB 4 (2010):

- Phased in more rigorous mathematics and science high school graduation credit requirements, including:
 - Geometry (beginning with entering 9th graders 2010-11).
 - Biology I (beginning with entering 9th graders 2011-12).
 - Algebra II (beginning with entering 9th graders 2012-13).
 - Chemistry or physics and an equally rigorous science course (beginning with entering 9th graders 2013-14).
- Phased in “must pass for credit” statewide, standardized EOC assessments in:
 - Algebra I (beginning with entering 9th graders 2011-12).
 - Geometry (beginning with entering 9th graders 2012-13).
 - Biology I (beginning with entering 9th graders 2012-13).¹¹

CS/CS/SB 4 (2010) significantly increased the mathematics and science credit and testing requirements for high school graduation. Every Florida public high school student must meet these requirements, whether a student is preparing for college or enlistment in the military or pursuing industry certification through a career and professional academy.

New Research

In 2010, when CS/CS/SB 4 was enacted, the U.S. economy was beginning to recover from the recession of 2007–2009.¹² However, the economic recovery has been one of the weakest on record.¹³

⁶ Section 8, ch. 2008.235, L.O.F.

⁷ See, e.g., International Association for the Evaluation of Educational Achievement, *TIMSS 2007 International Mathematics Report*, at 44-49 (Aug. 2009), available at http://timss.bc.edu/TIMSS2007/PDF/TIMSS2007_InternationalMathematicsReport.pdf. TIMSS stands for Trends in International Mathematics and Science Study. *Id.*

⁸ See, e.g., Staff of the Florida Senate, *Interim Report: Review the Effect of State High School Graduation Requirements on Student Preparation for Postsecondary Education and the Workforce*, at 2-3 (Oct. 2009), available at http://www.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-112ed.pdf [hereinafter *Senate Interim Report 2009*]; see, e.g., The National Governors Association, *Accelerating the Agenda: Actions to Improve America’s High Schools*, at 3-7 (2008), available at <http://www.nga.org/files/live/sites/NGA/files/pdf/0901IMPROVEHIGHCHOOLS.PDF> [hereinafter *Accelerating the Agenda*]; The National Governors Association, *Building a Science, Technology, Engineering and Math Agenda*, at 1, 6 (2007), <http://www.nga.org/files/live/sites/NGA/files/pdf/0702INNOVATIONSTEM.PDF> [hereinafter *STEM Agenda*].

⁹ *Accelerating the Agenda*, *supra* note 8, at 7-10; *STEM Agenda*, *supra* note 10-13.

¹⁰ *Senate Interim Report*, *supra* note 8, at 3; Staff of the Florida Senate, *Legislative Bill Analysis for CS/CS/SB 4 (2010)*; see, e.g., Education Commission of the States, *High School Level STEM Initiatives 2008*, <http://mb2.ecs.org/reports/Report.aspx?id=1409> (Last visited Mar. 5, 2013).

¹¹ Sections 3, 5, and 8, ch. 2010-22, L.O.F.

¹² National Bureau of Economic Research, *Business Cycling Dating Committee*, (Sept. 20, 2010), available at <http://www.nber.org/cycles/sept2010.pdf>. According to the NBER, a recession is a significant decline in economic activity spread

The recession and weak recovery have greatly impacted the financial health and career prospects of recent high school and college graduates. These impacts include:

- High youth unemployment rates which likely diminish the ability of high school-aged youth to obtain work-related skills and experience.¹⁴
- Median household incomes¹⁵ have declined 8.1 percent, from \$55,131 in December 2007 to \$50,678 in August 2012, which has likely diminished the ability of many parents to assist their children with higher-education costs.
- An increase in student loan debt held by Americans to \$966 billion, second only to mortgage debt held by Americans. In fact, student loan debt is the only kind of household debt that continued to rise during the great recession.¹⁶
- A post-recession three-year student loan default rate of 13.4% nationally, representing 489,000 out of 3.6 million borrowers.¹⁷
- A rise in the percentage of student loan borrowers under 30 who are in repayment and 90 or more days delinquent on their student loan payments from 20 percent in 2004 to 35 percent in 2012.¹⁸

Since the enactment of CS/CS/SB 4, new research has emerged questioning the one-size-fits-all, college-only focus of many states' high school graduation requirements. Research indicates that deteriorating job market conditions have led an increasing number of young people to enroll in postsecondary education. In the fall 2009 term, 70 percent of 2009 high school graduates students were enrolled in a postsecondary program.¹⁹ However, approximately four in ten Americans have earned an associate's or bachelor's degree by their mid-twenties.²⁰

Recent research also indicates that high numbers of graduates with a bachelor's degree have settled for employment outside of the college labor market, i.e., are "mal-employed."²¹ The share of mal-

across the economy, lasting more than a few months, normally visible in real Gross Domestic Product, real income, employment, industrial production, and wholesale-retail sales. *Id.*

¹³ Center on Budget and Policy Priorities, *The Legacy of the Great Recession*, <http://www.cbpp.org/cms/index.cfm?fa=view&id=3252> (last visited Mar. 3, 2013).

¹⁴ U.S. Bureau of Labor Statistics, *Unemployment Rate for Youth Aged 16-19 Years Old 2003-2013*, <http://data.bls.gov/cgi-bin/surveymost> (last visited Mar. 3, 2013). The unemployment rate for youth aged 16 to 19 years old is 23.4 percent, as of January 2013, a 6.6 percent increase from December 2007. This figure includes youth who are working or actively looking for work. *Id.*

¹⁵ Sentier Research, *Household Income Trends: August 2012*, at 4 (Sept. 2012), available at http://www.sentierresearch.com/reports/Sentier_Household_Income_Trends_Report_August2012_09_25_12.pdf. Overall unemployment has also remained high, peaking at 10 percent in October 2010, and has been slow to improve, with unemployment at 7.9 percent in January 2013. U.S. Bureau of Labor Statistics, *U.S. Unemployment Rate 2003-2013*, <http://data.bls.gov/timeseries/LNS14000000> (last visited Mar. 3, 2013).

¹⁶ Federal Reserve Bank of New York, *Household Debt and Credit: Student Debt*, at 5, 9 (Feb. 28, 2013), available at <http://www.newyorkfed.org/newsevents/mediaadvisory/2013/Lee022813.pdf> [hereinafter *Federal Reserve Student Loan Debt*]

¹⁷ Press Release, U.S. Department of Education, *First Official Three-Year Student Loan Default Rates Published* (Sept. 28, 2012), available at <http://www.ed.gov/news/press-releases/first-official-three-year-student-loan-default-rates-published> [hereinafter *Federal Reserve Student Loan Debt*]. This rate pertains to borrowers whose loans entered repayment between October 2008 and September 2009. *Id.*

¹⁸ *Federal Reserve Student Loan Debt*, *supra* note 16, at 11-15.

¹⁹ Press Release, U.S. Bureau of Labor Statistics, *College Enrollment and Work Activity of 2009 High School Graduates* (April 27, 2010).

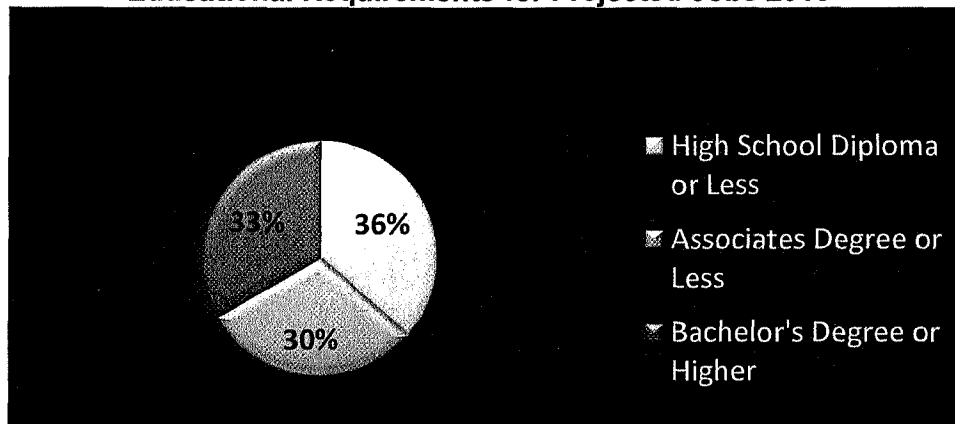
²⁰ Harvard Graduate School of Education, *Pathways to Prosperity: Meeting the Challenge of Preparing Young American for the 21st Century*, at 6-7 (Feb. 2011), available at http://www.gse.harvard.edu/news_events/features/2011/Pathways_to_Prosperty_Feb2011.pdf [hereinafter *Graduation Pathways*].

²¹ Drexel University, Center for Labor Markets and Policy, *The Employment and Mal-Employment Situation for College Graduates: An Update* at 7-8 (June 2012), available at

employed bachelor's degree holders age 20-24 increased from 45.9 percent before the recession to 56.1 percent in spring 2012. Over 40 percent of this increase occurred during the "jobs recovery period" of 2010-2012. The number of mal-employed bachelor's degree holders age 25-29 increased from 36.1 percent before the recession to 43.3 percent by spring 2012. Approximately 25 percent of this increase occurred during the "jobs recovery period."²²

Researchers predict that the U.S. economy will create 47 million new jobs over the 10 year period ending in 2018. Roughly two-thirds of these jobs will require at least some postsecondary education. Researchers predict that 14 million jobs, nearly half those filled by workers with postsecondary education, will go to individuals with an associate's degree or workforce certificate. Furthermore, 27 percent of jobs requiring postsecondary education below the associate's degree level pay more than the average bachelor's degree holder earns.²³ This research does not suggest that states cease efforts to prepare students for college. Rather, it suggests that some students would be better served by multiple pathways to a high school diploma leading not only to college, but also to high-skill, high-wage, and high-demand jobs requiring less than a bachelor's degree.²⁴

Educational Requirements for Projected Jobs 2018²⁵



New research shows that few jobs require more than basic mathematics skills, i.e., counting, addition, subtraction, multiplication, and division. Roughly two-thirds of jobs require use of fractions, decimals, and percentages. However, only 22 percent of workers use more complex mathematics on their jobs, primarily simple Algebra. Thus, most workers do not use the types of complex mathematics required in high school.²⁶ In testimony presented to the K-12 Subcommittee, David Coleman of the College Board suggested that states focusing on student completion of specific higher-level mathematics courses as an indicator of college and career readiness may be misguided. Instead, states should focus on college and career ready math, i.e., the core mathematics skills required for most college majors and careers.²⁷

This research and testimony does not advocate lowering standards. All high school students must be exposed to a rigorous high school curriculum. Rather, rigor should be relevant to the student's post-high school goals. The research and testimony suggest that states allow students flexibility to choose a course of study aligned to their post-high school goal. Creating a tangible, transparent connection between high school and opportunities in the job market would assist students and parents in making

http://www.drexel.edu/provost/clmp/docs/The_Employment_Situation_of_Recent_%20College_Graduates.pdf. This is to be distinguished from individuals employed outside their degree field but in jobs typically requiring a bachelor's degree. *Id.*

²² *Id.* at 9.

²³ *Graduation Pathways, supra* note 20, at 2-3.

²⁴ *Id.*

²⁵ *Id.* at 7.

²⁶ Handel, Michael J. *A Profile of U.S. Jobs from the Survey of Workplace Skills, Technology, and Management Practices*, at 11-12, 43 (June 20, 2010), available at http://www.northeastern.edu/socant/wp-content/uploads/STAMP_OECD2a_edit2.doc.

²⁷ David Coleman, College Board, Testimony before the House K-12 Subcommittee (Feb. 20, 2013).

more informed college, career, and financial choices and draw students to the fields where jobs are available.²⁸

Other States Graduation Requirements

Research conducted by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identifies 12 states²⁹ with mathematics and science graduation credit and testing requirements similar to Florida. OPPAGA found that:

- Nine of the 12 states require students to pass Algebra I, Geometry, and Algebra II to earn a standard diploma.
- Eleven of the 12 states require students to pass Biology I. Six of these states also require students to pass either chemistry or physics. Only one state requires students to pass all three of these courses.
- Eight of the 12 states provide an alternative standard diploma option or allow students to waive specific mathematics and science courses.³⁰

Mathematics and Science Credits Required For Graduation: Other States³¹

State	Effective Date	Math Credits Required in:			Science Credits Required in			Offers Alternative Diploma Options	Allows Course Waivers
		Algebra I	Geometry	Algebra II	Biology	Chemistry	Physics		
AL	2017	1*	1*	1*	1	0	0	No	No
AR	2014	1	1	1	1	X	X	Yes	No
HI	2016	1	1	0	1	0	0	No	No
IN	2016	1	1	1	1	X	X	Yes	No
LA	2012	1	1	1	1	1	0	Yes	No
MI	2016	1	1	1	1	X	X	No	Yes
MN	2015	#	1	1	1	X	X	No	No
NC	2016	1*	1*	1*	1	0	0	No	No
SD	2017	1	1	1	1	X	X	No	Yes
TN	2013	1	1	1	1	X	X	No	Yes
TX	2016	1	1	1	1	1	1	Yes	No
VA	2015	1	1	1	X	X	X	Yes	No
0	Not required.								
X	Choose among these options.								
#	Must complete by 8 th Grade.								
*	Allows satisfaction of requirement through an equivalent or integrated mathematics course.								

OPPAGA also found that these states use their high school assessments differently. Of the 12 states:

- Seven states require students to pass a comprehensive test or one or more EOC assessments for graduation;
- One state requires passage of an EOC assessment for course credit;
- Four states allow students a full or partial waiver of “must-pass” testing requirements;
- Four states require or plan to require that EOC assessment results be factored into the student’s course grade; and
- Two states allow local decisions regarding whether to require passage of EOC assessments for course credit or factor assessment performance into the course grade.³²

²⁸ *Graduation Pathways*, supra note 20, at 24.

²⁹ Alabama, Arkansas, Hawaii, Indiana, Louisiana, Michigan, Minnesota, North Carolina, South Dakota, Tennessee, and Texas.

OPPAGA, *Research Memorandum: Twelve State’s High School Graduation Requirements*, at 1 (March 1, 2013).

³⁰ *Id.*

³¹ *Id.* at 2-4.

In addition, OPPAGA indicates that 23 of 50 states and the District of Columbia do not require students to pass any type of assessment to earn a standard diploma.³³

Standard High School Diploma Requirements

Current Law

Florida public high school students have five options in obtaining a standard high school diploma -- a Traditional 4-year, 24-credit option;³⁴ the 3-year, accelerated 18-credit College Preparatory and Career Preparatory Programs;³⁵ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program.³⁶ The overwhelming majority of Florida's high school students pursue the Traditional 24-credit option:

Standard High School Diplomas Awarded by Graduation Option
2011-12 School Year³⁷

Traditional 24-Credit	Accelerated 18-Credit College Preparatory	Accelerated 18-Credit Career Preparatory	IB	AICE
143,188	50	13	2,961	13

Students entering 9th grade in the 2012-13 school who are pursuing the traditional 24-credit option must complete the following credit and assessment requirements:

Subject Area	Traditional 24-Credit Option ³⁸
English	4 credits with a major concentration in composition, reading for information, and literature. <ul style="list-style-type: none"> • Passage of Grade 10 FCAT 2.0 Reading. • Must take FCAT Writing.
Mathematics	4 credits, including: <ul style="list-style-type: none"> • Algebra I, Geometry, and Algebra II. • Passage of the Algebra I and Geometry EOC assessments.
Science	3 credits, two of which must have a laboratory component, including: <ul style="list-style-type: none"> • Biology I • Passage of the Biology I EOC assessment.
Social Studies	3 credits, including: <ul style="list-style-type: none"> • 1 credit in U.S. history. • 1 credit in world history. • .5 credit in economics. • .5 credit in U.S. government.
Foreign Language	None.
Fine or Performing Arts	1 credit in fine or performing arts, speech and debate, or a practical arts course comprised of artistic or creative concepts.
Physical Education	1 credit.
Electives	8 credits.

Beginning with students entering 9th grade in 2013-14, science credits must be earned in Biology I, Chemistry or Physics and an equally rigorous science course and students must take a U.S. History EOC assessment that counts as 30 percent of the course grade.³⁹

³² *Id.* at 8.

³³ *Id.*

³⁴ Section 1003.428, F.S.

³⁵ Section 1003.429, F.S.

³⁶ Section 1003.428(1), F.S.

³⁷ Email, Florida Department of Education, Legislative Affairs Director (Feb. 18, 2013).

³⁸ Section 1003.428(2), F.S.

³⁹ *Id.*; rules 6A-1.09981(2)(a) and 6A-1.09422(2)(c), F.A.C.

In addition to the 24 credits and required assessments, students must earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale, and fulfill any additional requirements mandated by school districts.⁴⁰ All high school students are subject to these requirements, regardless of their post-high school goals.⁴¹

Credits required for graduation may be earned through applied, integrated, or combined courses; however, the law does not specifically define these types of courses.⁴² Students entering 9th grade in 2011-12 and thereafter must take one course online. The law does not specify which courses.⁴³

Since 2006, Florida law has specified two sets of high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9th grade before the 2007-08 school year, whereas s. 1003.428, F.S., applies to students entering the 9th grade in the 2007-08 school year and thereafter. Six school years have passed since entering 9th graders have been subject to s. 1003.43, F.S.⁴⁴

The accelerated 3-year, 18-credit graduation option allows a student to standard high school diploma in three-years and 18 academic credits, rather than the traditional 4-year, 24 credit option. Students who choose this option may enroll in a college preparatory or career preparatory program.⁴⁵ Only 63 students earned a standard high school diploma through one of these options in the 2011-12 school year.⁴⁶

Effect of Bill

The bill establishes three standard high school diploma designations – College and Career, Industry, and Scholar designations. These designations take into consideration the research and testimony heard by the K-12 Subcommittee over the course of six meetings, as well as many of the recommendations submitted by district school superintendents and subcommittee members.

The designations apply to students entering 9th grade in the 2013-14 school year; however, students enrolled in high school as of the 2012-13 school year may opt into a designation. Students select their graduation designation in collaboration with their parents. School districts must notify students and parents in writing regarding the requirements for each designation, state scholarship programs, and postsecondary admissions. A designation must be selected by the end of the first semester of 9th grade. If a designation is not selected, the student will be expected to complete the College and Career designation; however, the student must be given an opportunity to choose another designation.

The Department of Education (DOE) directly, or through the school districts, must notify private schools of public school graduation requirements. Private schools are to make this information available to students and parents.

Unlike the existing one-size-fits-all graduation requirements, students may choose a graduation designation that is more closely aligned to their interests and post-high school goals. The course credit and assessment requirements vary among designations; however, all three designations:

⁴⁰ Section 1003.428(4)(a)-(d), F.S.

⁴¹ Section 1003.428(1), F.S.

⁴² Section 1003.428(2), F.S.

⁴³ Section 1003.428(2)(c), F.S.

⁴⁴ Chapter 78-424, L.O.F., *initially codified at s. 232.246, F.S., redesignated in 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., codified as s. 1003.428, F.S.*

⁴⁵ Section 1003.429(1)(b) and (c), F.S. For both 18-credit accelerated graduation options, the mathematics credits must include Algebra I and II and geometry; the science credits must include Biology I, chemistry or physics, and one equally rigorous course; the social sciences credits must include U.S. history, world history, and one-half credit in U.S. government and economics. *Id.*

⁴⁶ Email, Florida Department of Education, Legislative Affairs Director (Feb. 18, 2013).

- Lead to a standard high school diploma that enables the student to enroll in a Florida College System Institution or pursue enlistment into the military;
- Require the student to earn 24 credits in specified coursework;
- Require the student to earn at least a 2.0 GPA; and
- Require the student to pass 10th grade FCAT 2.0 Reading and the Algebra I EOC assessment (or when fully implemented, Common Core English Language Arts II and Algebra I assessments).

The course credit and assessment requirements for the three designations are:

High School Graduation Designations			
Subject Area	College and Career	Industry	Scholar
English	<ul style="list-style-type: none"> •4 credits in English Language Arts (ELA) I, II, III, and IV. •Passage of 10th grade FCAT 2.0 Reading. •Must take 10th grade FCAT Writing. 	<ul style="list-style-type: none"> •4 credits in ELA I, II, III, and IV. •Passage of 10th grade FCAT 2.0 Reading. •Must take 10th grade FCAT Writing. 	<ul style="list-style-type: none"> •4 credits ELA I, II, III, and IV. •Passage of 10th grade FCAT 2.0 Reading •Must take 10th grade FCAT Writing.
Mathematics	<ul style="list-style-type: none"> •4 credits which must include Algebra I and Geometry. •Passage of the Algebra I EOC. •The Geometry EOC is 30% of course grade. 	<ul style="list-style-type: none"> •4 credits which must include Algebra I. •Passage of the Algebra I EOC. 	<ul style="list-style-type: none"> •4 credits including Algebra I, Geometry, and Algebra II and Statistics or an equally rigorous course. •Passage of the Algebra I EOC. •The Geometry EOC is 30% of course grade and passage required.
Science	<ul style="list-style-type: none"> •3 credits including Biology I. •The Biology I EOC is 30% of course grade. 	<ul style="list-style-type: none"> •3 credits including Biology I. •The Biology I EOC is 30% of course grade. 	<ul style="list-style-type: none"> •3 credits, including Biology I and Chemistry, Physics, or an equally rigorous course •The Biology I EOC is 30% of course grade and passage is required.
Social Studies	<ul style="list-style-type: none"> •3 credits: 1 U.S. History, 1 World History, .5 Economics, .5 U.S. Government. •The U.S. History EOC is 30% of course grade. 	<ul style="list-style-type: none"> •3 credits: 1 U.S. History, 1 World History, .5 Economics, .5 U.S. Government. •The U.S. History EOC is 30% of course grade. 	<ul style="list-style-type: none"> •3 credits: 1 U.S. History, 1 World History, .5 Economics, .5 U.S. Government. •The U.S. History EOC is 30% of course grade and passage is required.
Foreign Language	None.	None.	2 credits in same language.
Fine or Performing Arts	1 credit.	1 credit.	1 credit.
Physical Education	1 credit.	1 credit.	1 credit.
Electives	8 credits which must be coordinated so that students may develop knowledge and skills in their area of interest or in career education courses leading to industry certification.	8 credits in industry-certified career education program, career-themed courses, or career education courses identified in statewide/local articulation agreements.	6 credits in coordinated electives with Liberal Arts, STEM, or career education focus. At least 1 credit must be earned in an AP, IB, AICE, or Dual Enrollment course.

Graduation credits may be earned through equivalent, applied, integrated, or career education courses, including work-related internships. The bill defines equivalent, applied, and integrated courses as follows:

- Equivalent courses include one or more courses identified by content area experts as being a match to the core curricula content of another course.
- Applied courses include real-world applications of a career and technical education standard used in business or industry.

- Integrated courses include content from several courses within a content area or across content areas.

In addition, the bill specifically excludes driver's education as a course that may be taken to meet the online course requirement for graduation.

The law requires each school district to adopt an early graduation policy enabling high school students who complete "a minimum" of 24 credits in less than eight semesters and meet the GPA and assessment requirements the option of graduating early. The law is not clear regarding whether districts may require students to fulfill district-required graduation requirements above the state-mandated 24 credits.⁴⁷ The bill clarifies that students must be allowed early graduation upon earning the state-required 24 credits, regardless of additional district requirements.

The Credit Acceleration Program (CAP) enables students to earn high school credit in courses tested by a statewide, standardized EOC assessment without enrolling in the course.⁴⁸ The law defines a "credit" as 135 hours of bona fide instruction in a designated course. Although it is generally understood that the definition does not apply to students earning credit through CAP, the law does not specifically state an exception.⁴⁹ The bill adds provisions listing the specific courses in which credit may be earned through CAP, e.g., Algebra I, Algebra II, Geometry, U.S. History, and Biology. The definition of credit is also revised to clarify its inapplicability to students earning credit through CAP.

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard high school diploma.⁵⁰ Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.⁵¹ Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.⁵² The bill repeals the obsolete designation signifying a student's major areas of interest. A new designation is created signifying completion of the College and Career, Industry, and Scholar designations and whether the student had assessment requirements waived.

The bill repeals s. 1003.43, F.S., relating to the General Requirements for High School Graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.⁵³

The bill repeals the accelerated 3-year, 18-credit graduation options, as these options have been historically underutilized. The bill specifies that students who has selected one of these options before July 1, 2013, may complete the program.

The law authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged World War II and Korean War era veterans, pursuant to rules adopted by the state board in consultation with the Department of Military and Veterans Affairs.⁵⁴ The bill repeals these provisions and creates a new section of law similarly authorizing the commissioner to award a standard high school diploma to any honorably discharged veteran, regardless of his or her era of service.

⁴⁷ Section 9, 2012-191, L.O.F., *codified as* s. 1003.4281, F.S.

⁴⁸ Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010)(on file with the subcommittee); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); *see* s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

⁴⁹ Section 1003.436(1)(a), F.S.

⁵⁰ Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

⁵¹ Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

⁵² Section 3, ch. 2010-22, L.O.F.

⁵³ *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001) The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively. *Id.*

⁵⁴ Section 1003.428(9)-(10), F.S.

The bill repeals the Florida Secondary School Redesign Act,⁵⁵ which specifies the guiding principles and aspirational goals for implementation of HB 7087 (2006), as the purpose of this law has been served.

Career Education Courses

Current Law

Research suggests that developing career education courses that allow students to earn credit in both the career education course and academic courses required for graduation is an important step in moving beyond one-size-fits-all high school graduation requirements. Among other things, the research recommends that states establish a process for developing such courses. Such a process should, among other things:

- Involve collaboration among public secondary schools, postsecondary institutions, and employers;
- Provide for recognition of career education courses as meeting postsecondary admissions requirements; and
- Include a determination regarding whether sufficient academic standards are covered to warrant full or partial academic credit.⁵⁶

Florida law does not specifically require the development of career education courses that allow students to earn credit in both the career education course and academic courses. The Florida Department of Education's *2012-13 Course Code Directory* lists several career education courses leading to industry certification that may be substituted for core academic credit; however, these substitutions apply only to students entering 9th grade before the 2011-12 school year. Thus, there are no career education courses that translate to academic credit available to students who entered 9th grade in the 2011-12 school year and thereafter.⁵⁷

Effect of Bill

Several subcommittee members submitted recommendations regarding the development of career education courses that allow students to earn credit in both the career education course and academic courses required for graduation. The bill creates a process for developing these courses that reflects the testimony heard and research discussed by the subcommittee.

DOE must develop, for approval by the state board, multiple, additional career education courses, or a series of courses, that allow students to earn both career education course and academic course credit in courses required for graduation. Such courses must include workforce and digital literacy skills, practical applications of academic course content, and lead to one or more industry certifications or clearly articulated credit or advanced standing in a two-year or four-year certificate or degree program, including work-related internships or apprenticeships. The state board must determine whether academic standards are sufficiently covered to warrant the award of academic credit.

The bill also facilitates collaboration among school districts, postsecondary institutions, education consortia, local workforce boards, business, and industry in creating career education courses that lead to academic course credit. Courses developed through this collaborative process must meet the same rigorous standards as those created by DOE and be approved by the state board.

⁵⁵ Section 1003.413, F.S.

⁵⁶ Southern Regional Education Board, *Recognizing Academic Achievement in Career/Technical Education*, at 16-20 (2012), available at http://publications.sreb.org/2012/12V16_RecognizingAcademicCredit.pdf.

⁵⁷ Florida Department of Education, *2012-13 Course Code Directory and Personnel Assignments*, at 40-41 (July 2012), available at <http://www.fldoe.org/articulation/CCD/files/CCDNarrative1213.pdf>.

In addition, the state board must identify an industry certification or multiple certifications which demonstrate attainment of standards associated with digital composition, word processing, and presentation skills which shall satisfy at least one credit in English Language Arts.

The Alternative Credit for High School Courses Pilot Project is an early effort to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.⁵⁸ Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.⁵⁹ The bill repeals this pilot project, which is no longer in existence, and has been made unnecessary by the bill.

Industry Certification

Current Law

Industry certification refers to certification issued by an occupational or industry group to signal completion of particular training, coursework, apprenticeship, or other preparation for a particular job or job category. Many jobs require some form of industry certification as a prerequisite to hiring, and licensure is often based on industry developed assessments. Florida public middle and high school students may earn industry certifications through a career and professional academy (academy)⁶⁰ or career themed courses.⁶¹

School boards are required to develop a three year strategic plan in partnership with regional workforce boards, economic development agencies, and state-approved postsecondary institutions to better align academy programs with local workforce needs.⁶² School districts receive weighted FTE funding for students attaining the highest level of industry certification through a Career Academy or career-themed courses. A value of 0.1, 0.2, or 0.3 FTE is calculated for such students.⁶³ DOE determines the FTE value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value.⁶⁴

The law requires the state board, in collaboration with Workforce Florida, Inc., to adopt rules establishing an industry certification process. Industry certifications must be defined by the Department of Economic Opportunity (DEO), based upon the highest available national standards for specific

⁵⁸ Section 1, ch. 2008-174, L.O.F., codified at s. 1002.375, F.S. In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized DOE to approve eligible courses and EOC assessments.

Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

⁵⁹ Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

⁶⁰ A career and professional academy is a career and technical education program in a public secondary school that leads to high school credit, a high school diploma, industry certification, and opportunities for students to simultaneously earn postsecondary credit. Each school board is required to operate at least one high school academy and have a plan to implement at least one middle school academy. Sections 1003.493(1) and 1003.4935(1), F.S.

⁶¹ Section 1003.493(1), F.S. Career-themed course are courses or a course series that leads to an industry certification. These courses may be offered by any school, even if the school is not a career academy. Sections 1003.493(1)(b), F.S.

⁶² Section 1003.491(3), F.S. The strategic plan must, among other things, include strategies for developing career academies based upon identification of high-skill, high-wage, high-demand careers; and ensure that career academy courses are academically rigorous, meet or exceed appropriate state-adopted subject area standards, result in attainment of industry certification, and when appropriate, result in postsecondary credit. *Id.*

⁶³ Section 1011.62(1)(o)1., F.S. For middle school students completing a career academy or career themed course, this funding is earned upon the student's promotion to 9th grade. For high school students, this funding is earned upon the student's receipt of a standard high school diploma. *Id.*

⁶⁴ Section 1011.62(1)(o)1., F.S. Rigor is based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the state board. Employment value is based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification. *Id.*

industry certification, to ensure student skill proficiency and address emerging labor market and industry trends. Through this process, industry certifications are identified, compiled, and weighted for funding purposes and the final Industry Certification Funding List is annually adopted by the state board.⁶⁵

Each academy or career themed course must include at least one partnership with postsecondary institutions, business, industry, employers or economic development organizations. Partnerships with postsecondary institutions must delineate in articulation agreements academy and career-themed courses that articulate to postsecondary credit.⁶⁶ Industry Certifications that articulate for postsecondary credit are called Gold Standard Career Pathways Industry Certifications. The Gold Standard list is a subset of the Industry Certification Funding List. Each Gold Standard certification is adopted as a statewide articulation agreement, after Florida College System administrators, program deans, and faculty agree that the certification articulates for college credit in an Associate of Science or Associate of Applied Science degree program. There are currently 116 Gold Standard certifications on the list.⁶⁷ However, the law does not specifically require adoption of a postsecondary industry certification list.

Effect of Bill

The bill creates a Postsecondary Industry Certification Funding List for postsecondary industry certification programs and requires the state board to annually adopt the list. The bill directs the Chancellors of the State University System, Florida College System, and Career and Adult Education to work with local workforce boards, postsecondary institutions, and businesses to identify, create, and recommend industry certifications to the state board. The Chancellors must consider the DEO's economic security report and other information regarding certification needs in making such recommendations.

In addition, the bill allows funding for industry certifications that have minimum age, grade-level, diploma or degree, postgraduation work experience, or other requirements that make it impossible for the student to obtain full certification while in a public secondary school program. The Commissioner of Education must differentiate the content, instructional, and assessment requirements for such industry certification in determining funding. This will allow students to work toward these certification while in high school, without having to fulfill all requirements before graduation.

The bill also authorizes district school boards to appoint a governing board for a school district technical center or a system of technical centers, consisting of school board members (or their designees) and leaders of the local business community, to design and implement partnerships for industry certifications tailored to the needs of the local economy.

The bill adds rigorous industry certifications and work-related internships or apprenticeships to the list of Academically Challenging Curriculum to Enhance Learning (ACCEL) options.⁶⁸

⁶⁵ Section 1003.492(2), F.S.; rule 6A-6.0573(3)-(5), F.A.C. Regional workforce boards and school principals may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-skill, high-wage, and high-demand job requirements in the regional economy. *Id.* The preliminary Industry Certification Funding List for 2013-14 contains industry certifications in numerous areas, including automotive repair, medical lab technician, nursing, welding, pipefitting, and various Microsoft, Adobe, and Cisco software applications. See Florida Department of Education, *Florida Career and Professional Education Act*, <http://www.fldoe.org/workforce/fcpea/default.asp> (last visited March 9, 2013).

⁶⁶ Section 1003.493(4)(b), F.S.

⁶⁷ See ss. 1003.491, 1003.492, 1003.493, and 1007.23, F.S. (statewide articulation agreement); rule 6A-6.0573(5), F.A.C.; see Florida Department of Education, *Statewide Articulation Agreements – Industry Certification*, http://www.fldoe.org/workforce/dwdframe/artic_indcert2aas.asp (last visited March 9, 2013).

⁶⁸ ACCEL options provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12. At minimum, public schools must offer whole grade and midyear promotion, subject-matter acceleration, virtual instruction in higher grade level subjects, and the credit acceleration program (CAP). ACCEL options may include, without limitation, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs;

Career dual enrollment is a curricular option which enables secondary students to earn a series of elective credits toward the high school diploma. Students using this option must be seeking a degree or certificate from a complete career-preparatory program and it may not be used to enroll students in isolated career courses.⁶⁹ The bill adds provisions specifying that career dual enrollment and career early admission are programs in which secondary students are enrolled in postsecondary programs leading to industry certifications.

Career early admission is a form of career dual enrollment which enables secondary students to enroll full time in a career center or a Florida College System (FCS) institution in courses that are creditable toward the high school diploma and a certificate or associate degree. Students must have completed a minimum of 6 semesters of full-time secondary enrollment before participating in career early admission.⁷⁰ The bill specifies that career early admission enables secondary students to enroll in postsecondary *programs* leading to industry certification, rather than individual courses. In addition, the bill reduces from 6 to 4 the number of semesters of secondary enrollment a student must complete before participating in career early admission, thereby enabling students to take advantage of this opportunity earlier in their high school careers.

Digital Literacy

Digital literacy skills are essential to students' academic and career success. Digital literacy skills students need include basic computer operation and maintenance, cyber-safety, test taking, internet research, email protocol, keyboarding and word processing, computer presentation skills, and use of graphics and spreadsheets.⁷¹ All statewide, standardized EOC assessments are administered online and online administration is anticipated for common core assessments, once implemented. Many digital literacy skills will be integrated into common core assessments, such as keyboarding skills, creating and analyzing charts and graphs, and internet research.⁷² Among other things, research suggests that states integrate digital literacy across all levels of education and into standards, assessments, and educator professional development and partner with the business community to provide learning opportunities for educators and students.⁷³

Florida law authorizes, but does not require, school districts to develop and implement a digital curriculum for students in grades 6 through 12. Digital curricula may include various skills related to web communications and web design. The law encourages districts to seek partnerships with private businesses or consultants for providing instruction to students and professional development to teachers.⁷⁴

Effect of Bill

The bill adds provisions requiring each school district's comprehensive student progression plan to include instructional sequences enabling students in kindergarten through high school to attain progressively higher levels of skill in the use of digital competency tools and applications.

flexible grouping; advanced academic courses; combined classes; self-paced instruction; curriculum compacting; advanced-content instruction; and telescoping curriculum. Section 1002.3105(1), F.S.

⁶⁹ Section 1007.271(7), F.S.

⁷⁰ Section 1007.271(11), F.S.

⁷¹ See, e.g. DigitalLiteracy.gov, *Educator Tools*, <http://www.digitalliteracy.gov/content/educator> (last visited March 8, 2013).

⁷² Learning.com, *Achieving Common Core Assessment Success: Why Digital Literacy Matters*, at 2 (2013), available at <http://www.learning.com/digital-literacy/pdf/why-digital-literacy-matters.pdf>; Partnership for Assessment of Readiness for College and Careers, *Item and Task Prototypes*, <http://www.parcconline.org/samples/item-task-prototypes#4> (last visited March 8, 2013).

⁷³ Partnership for 21st Century Skills, *21st Century Skills, Education & Competitiveness: A Resource and Policy Guide*, at 15 (2008), available at http://www.p21.org/documents/21st_century_skills_education_and_competitiveness_guide.pdf.

⁷⁴ Section 1003.4203(1)

The bill eliminates provisions related to the optional digital curricula for web-based skills and instead requires school districts to provide digital materials to all students in prekindergarten through grade 12, including students with disabilities. Digital materials may be integrated into subject area curricula, provided as a separate course, or made available through open-access options, online, or digital computer applications. In addition, the bill establishes three new digital literacy programs:

- The Florida Cyber Security Recognition program will provide instruction to elementary students regarding computer processing operations and cyber-safe practices.
- The Florida Digital Arts Recognition program will provide instruction to elementary students regarding technology and the arts; and
- The Florida Digital Tools Certificate program will provide instruction to middle school students regarding skills necessary to school and work success, such as word processing; email protocol; spreadsheets; and presentations, including sound, text, and graphic presentations.

DOE must contract with one or more technology companies with DOE-approved industry certifications to create these programs. The programs must provide teachers with open access materials for teaching and assessing digital skills and be provided at no cost to school districts. Creation of the programs is contingent upon funding. School districts must notify school advisory councils regarding the Florida Digital Tools Certificate program.

Career and Education Planning

Current Law

Public middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student. Among other things, this course must emphasize technology or the application of technology in career fields and, beginning in the 2014-2015 academic year, must include information from the DEO's economic security report. In the process of completing the academic and career plan, students must be informed of high school graduation requirements; high school assessment and college entrance test requirements; Florida Bright Futures Scholarship Program requirements; state university and Florida College System institution admission requirements; and programs through which a high school student can earn college credit, including AP, IB, AICE, dual enrollment, career academy and career-themed course opportunities, and courses that lead to national industry certification.⁷⁵

Effect of Bill

The bill adds requirements that the career and education planning course be internet-based and emphasize entrepreneurship skills. In addition, each student's academic and career plan must include a detailed explanation of the newly created high school graduation designations.

The bill adds provisions related career and education planning to the mission statement of Florida's K-20 education system. These provisions set a goal that students be better prepared for the transition from school to postsecondary education or work by providing information regarding:

- Career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to pursue postsecondary instruction required to enter that career.
- How to make informed decisions about the program of study that best addresses the student's interests and abilities while preparing them to enter postsecondary education or the workforce.
- Recommended coursework and programs that prepare students for success in their areas of interest and ability.

⁷⁵ Section 1003.4156(1)(a)5., F.S.
STORAGE NAME: pcb03.KTS.DOCX
DATE: 3/11/2013

This information must be provided to students and parents through a variety of media.

Statewide Standards and Assessments

Current Law

Legislation enacted in 2008 provided for the replacement of the Sunshine State Standards (SSS) with more rigorous Next Generation Sunshine State Standards (NGSSS).⁷⁶ Among other things, the legislation directed the Commissioner of Education to establish an expedited schedule for this transition, to be completed by December 1, 2011. The transition from the SSS to the NGSSS was completed in December 2010. The NGSSS establish the core curricular content for English Language Arts, Science, Mathematics, Social Studies, Visual and Performing Arts, Physical Education, and Foreign Languages.⁷⁷

The statewide assessment program measures student mastery of the NGSSS.⁷⁸ The statewide assessment program for public schools includes the Florida Comprehensive Assessment Test 2.0 (FCAT) and statewide, standardized EOC assessments.⁷⁹ FCAT assesses reading (grades 3-10), mathematics (grades 3-8), science (grades 5 and 8), and writing (grades 4, 8, and 10).⁸⁰ Florida transitioned to FCAT 2.0 assessments aligned to the more rigorous NGSSS in reading and mathematics in the 2010-11 school year.⁸¹ Administration of high school FCAT mathematics was discontinued for students entering 9th grade in the 2010-11 school year and thereafter.⁸²

EOC assessments for high school students currently include Algebra I, Biology I, and Geometry. Implementation of these EOC assessments was phased in over three years. Each EOC assessment was field tested the first year and baseline tested the second year with the assessment counting 30 percent of the student's course grade. Passage of the assessment is required in the third year and thereafter.⁸³ Students entering 9th grade in 2011-12 were the first cohort required to pass the Algebra I EOC assessment to earn course credit. The Biology I and Geometry EOC assessments counted as 30 percent of the course grade for these students.⁸⁴ Student achievement data for the 2011-12 administration of 10th grade FCAT 2.0 Reading and the Algebra I, Biology I, and Geometry EOC assessments indicates that:

- Approximately 50 percent of 10th graders did not pass grade 10 FCAT 2.0 Reading.
- Forty-two percent of students failed the Algebra I EOC.
- Based on recently adopted cut scores, retroactively applied to students who took the Biology I and Geometry EOC assessments in the 2011-12 school year:
 - Forty-one percent would have failed the Biology I EOC assessment were it "must-pass."⁸⁵
 - Forty-five percent would have failed the Geometry EOC assessment were it "must-pass."⁸⁵

Students entering 9th grade in the 2012-13 school year are the first cohort that is required to pass all three high school EOC assessments to earn credit required for graduation, in addition to passing 10th grade FCAT 2.0 Reading.⁸⁶

⁷⁶ Section 8, ch. 2008.235, L.O.F.

⁷⁷ Section 1003.41(1)-(2), F.S.; *see, e.g.*, Florida Department of Education, *Next Generation Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss/> (last visited March 10, 2013).

⁷⁸ Section 1008.22(1)(a), F.S.

⁷⁹ Section 1008.22(3)(c)1. and 2., F.S.

⁸⁰ Section 1008.22(3)(c)1., F.S.

⁸¹ Florida Department of Education, *2011 FCAT 2.0 Fact Sheet*, at 1 (Feb. 2011), available at <http://fcats.fldoe.org/fcat2/pdf/ffs2.pdf>.

⁸² Section 1008.22(3)(c)2.a.

⁸³ Section 1008.22(3)(c)2.a., F.S.

⁸⁴ Section 1008.22(3)(c)2.a.

⁸⁵ Florida House of Representatives, *K-12 Subcommittee Meeting Packet* (Feb. 7, 2013).

⁸⁶ Section 1008.22(3)(c)2.a., F.S.

Contingent upon funding, the Commissioner of Education is also required to establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, United States History, and World History.⁸⁷ Currently, the DOE is developing an EOC assessment in U.S. History.⁸⁸ The U.S. History EOC assessment will be field tested in the 2012-13 school year and will count as 30 percent of the course grade in the 2013-14 school year and thereafter.⁸⁹ In addition, beginning in the 2014-15 school year, middle school students must pass a Civics EOC assessment to be promoted to high school.⁹⁰

Florida law establishes the Florida School Grading System to measure the performance of Florida's public schools. Subject to certain exceptions, each public school is assigned an "A" through "F" letter grade.⁹¹ The statewide assessments used to determine a school's grade are FCAT reading, writing, mathematics, and science; the Algebra I EOC assessment (beginning 2011-12); the Geometry and Biology I EOC assessments (beginning 2013-13); and the middle school Civics EOC assessment (beginning 2014-15). Use of these assessments for calculating school grades is aligned with the year in which passage of the EOC assessment is required to earn credit in the course.⁹²

Transition to Common Core State Standards and Assessments

Florida is one of 45 states and the District of Columbia that has adopted Common Core State Standards (CCSS) in kindergarten through grade 12 Mathematics and English Language Arts (ELA). The CCSS is a state driven initiative led by the Council of Chief State School Officers (CSO) and the National Governors Association (NGA).⁹³

The State Board of Education adopted the CCSS in 2010. The CCSS emphasize emphasize the skills necessary for college and career readiness, including digital literacy skills. The CCSS in ELA are based upon the National Assessment of Educational Progress's reading frameworks and emphasize analysis, critical thinking, problem solving, persuasive writing, and other skills necessary for college and career readiness. The CCSS in ELA also include standards for reading and writing in the social sciences, science, and technical subjects. The CCSS in mathematics more narrowly focus content covered from grade to grade to help students acquire deeper understanding of the fundamentals. This builds a foundation which prepares students for more challenging mathematics content.⁹⁴

DOE's CCSS implementation timeline is as follows:⁹⁵

⁸⁷ Section 1008.22(3)(c)2.d., F.S.

⁸⁸ Rule 6A-1.09422(3)(e), F.A.C.

⁸⁹ Rules 6A-1.09981(2)(a) and 6A-1.09422(2)(c), F.A.C.

⁹⁰ Section 1008.22(3)(c)b., F.S.

⁹¹ Section 1008.34(2), F.S. School letter grades are defined as follows: "A," schools making excellent progress; "B," schools making above average progress; "C," schools making satisfactory progress; "D," schools making less than satisfactory progress; and "F," schools failing to make adequate progress. *Id.* An alternative school may choose to receive a school improvement rating instead of a school grade. Section 1008.34(3)(a)2., F.S. A school serving any combination of students in kindergarten through grade three which does not receive a school grade because its students are not tested may be assigned the grade of a school in its feeder pattern, if certain requirements are met. Section 1008.34(3)(a)3., F.S.

⁹² Section 1008.34(3)(b)1. and (c)1., F.S.

⁹³ Common Core State Standards Initiative, *Frequently Asked Questions*, <http://www.corestandards.org/resources/frequently-asked-questions> (last visited March 9, 2013).

⁹⁴ Common Core State Standards Initiative, *Resources*, <http://www.corestandards.org/resources> (last visited March 9, 2013)(see "Myths vs. Facts" and "Key Points" in ELA and mathematics).

⁹⁵ Florida Department of Education, *Common Core State Standards Assessments*, hearing before the House K-12 Subcommittee (Dec. 4, 2012).

Implementation of Common Core Standards and Assessments

2010-11	<ul style="list-style-type: none"> • CCSS adopted by the state board. • Florida joined the Partnership for Assessment of Readiness for College and Career (PARCC) to develop CCSS assessments.
2011-12	<ul style="list-style-type: none"> • CCSS implemented in kindergarten classrooms.
2012-13	<ul style="list-style-type: none"> • CCSS implemented in kindergarten and 1st grade classrooms. • PARCC test items pilot tested; research and development ongoing.
2013-14	<ul style="list-style-type: none"> • CCSS implemented in kindergarten, 1st, and 2nd grades. • Full implementation of CCSS for literacy in content areas. • Blended implementation of NGSSS and CCSS in grades 3 through 12. • Field testing of PARCC test items; research and development ongoing.
2014-15	<ul style="list-style-type: none"> • Full implementation of CCSS. • First statewide administration of PARCC assessments in kindergarten through grade 12.

Educator professional development and alignment of instructional materials to CCSS began in summer FY 2011-12 and is ongoing.⁹⁶

In 2010, Florida joined the Partnership for Assessment of Readiness for College and Career (PARCC), a consortium of 22 states that was awarded a \$186 million Race to the Top grant to develop CCSS assessments. The depth of knowledge (DOK) classifications commonly used to measure the complexity of tasks assessed on existing state assessments are:

- DOK 1: Recall a fact, term, concept, or procedure; basic comprehension.
- DOK 2: Application of concepts and procedures involving some mental processing.
- DOK 3: Applications requiring abstract thinking, reasoning, and more complex inferences.
- DOK 4: Extended analysis or investigation that requires synthesis and analysis across multiple contexts and non-routine applications.

PARCC assessments will assess deeper knowledge than existing statewide assessments with significantly more test items at DOK levels 3 and 4.⁹⁷ According to one leading proponent of the CCSS, "given the current state of student readiness and school capacity, virtually no state is in a position to insist in the next year or even in the next few years that all students hit the college and career ready level of performance on these tests to earn a high school diploma."⁹⁸

Statutory provisions regarding the NGSSS and statewide assessment programs do not currently reflect the Florida's adoption of the CCSS in mathematics and ELA or the pending transition from FCAT Reading and Mathematics and statewide, standardized EOC assessments in mathematics to common core assessments.

Effect of PCB

Next Generation Sunshine State Standards

The bill substantially rewrites the provisions regarding establishment of the SSS and NGSSS, maintaining all requirements but eliminating duplicative language and outdated standards adoption

⁹⁶ Florida Department of Education, *Florida's Common Core Standards and Assessments Implementation Timeline*, at 5 (2013), available at <http://www.fl DOE.org/parcc/pdf/ImplementationTimeline.pdf>.

⁹⁷ National Center for Research on Evaluations, Standards, and Testing, *On the Road to Assessing Deeper Learning: The Status of Smarter Balanced and PARCC Assessment Consortia*, at 5, 16-17 (Jan. 2013), available at <http://www.cse.ucla.edu/products/reports/R823.pdf>; Partnership for Assessment of Readiness for College and Careers, *Item and Task Prototypes*, <http://www.parcconline.org/samples/item-task-prototypes#4> (last visited March 3, 2013).

⁹⁸ Achieve, Inc., *Closing the Expectations Gap 2012: 50-State Progress Report on the Alignment of K-12 Policies with the Demands of College and Careers*, at 31 (Sept. 2012), available at <http://www.achieve.org/files/Achieve201250StateReport.pdf>.

deadlines relating to the transition from the SSS to the NGSSS. The statutory definition of SSS and NGSSS is revised to include the adoption of CCSS in ELA and mathematics. In addition, the bill directs the Division of Law Revision and Information to change the term "Sunshine State Standards" to "Next Generation Sunshine State Standards" wherever it appears in the statutes.

Currently, the NGSSS in mathematics must establish discrete curricular content for, among other things, financial literacy.⁹⁹ Instead, the bill requires incorporation of financial literacy in economics standards and in the .5 credit high school economics course required for high school graduation. The bill defines financial literacy as the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. The course must include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention.

Financial literacy instruction must be an integral part of instruction throughout the entire economics course, thereby increasing the likelihood that financial literacy concepts will not receive token treatment. In addition, the bill directs the Commissioner of Education to prepare a cost analysis regarding requiring financial literacy as a separate, .5 credit course, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The cost analysis must be provided to the President of the Senate and the Speaker of the House of Representatives no later than October 1, 2013.

Statewide Assessments

The bill revises provisions relating to FCAT and statewide, standardized EOC assessments to conform the weighting of the Algebra I, Geometry, and Biology I EOC assessments to the respective testing requirements of the newly created high school graduation designations.

In provisions authorizing the commissioner to develop additional EOC assessments, the bill removes specific reference to ELA, mathematics, science, and social studies subject areas and specifies that any additional EOC assessments adopted by the state board will constitute 30 percent of the student's course grade. The bill also revises the weighting of the middle school Civics EOC assessment from "must pass" to 30 percent of the course grade. Such students will still be required to pass the Civics course for promotion to high school.

Currently, the Commissioner of Education is authorized, but not required, to adopt concordant scores on the SAT and ACT and other assessments which students may use to meet graduation requirements in lieu of a passing score on 10th grade FCAT Reading. Similar discretionary authority is provided regarding adoption of equivalent scores for statewide, standardized EOC assessments.¹⁰⁰

This bill requires the commissioner to adopt a concordant score on the SAT and ACT for 10th grade FCAT Reading and equivalent scores on at least one assessment for the Algebra I EOC assessment. The commissioner may identify equivalent scores for other statewide, standardized EOC assessments. If content and scoring procedures change for the Algebra I, Geometry, or Biology I EOCs, new equivalent scores must be adopted. If new equivalent scores are not timely adopted, then the last adopted equivalent score remains in effect until the new score is adopted. The Commissioner of Education must report proposed cut scores to the President of the Senate and Speaker of the House of Representatives 90 days before submission to the state board if revision of a statewide assessment requires modification of performance level scores.

⁹⁹ Section 1003.41(1)(a)3., F.S.

¹⁰⁰ Section 1008.22(10) and (11), F.S.

In substantially rewriting s. 1008.22, F.S., relating to the Statewide Assessment Program, several changes remove superfluous language and deadlines, consolidate related provisions that are currently scattered about the statutes, and organize content under clearly labeled catch-lines. This includes the bill's consolidation of provisions relating to the assessment of students with disabilities, which are taken from existing statutes and state board rules. The bill specifically requires the Florida Alternate Assessment to be administered no earlier than the week of March 1. The bill also repeals duplicative requirements related to school district testing programs, which were supplanted by the 2011 enactment of the Student Success Act.

Remediation

Currently, middle and high school students scoring Level 1 on FCAT reading must receive remediation through an intensive remediation course.¹⁰¹ The bill allows remediation of these students through either an intensive remediation course or a content area course. This change provides more flexibility regarding the remediation of these students. In addition, the bill requires remediation for students scoring Level 1 or Level 2 on the Algebra I EOC assessment.

In addition, the bill eliminates:

- Requirements regarding school district review of progress monitoring plans for students who score Level 1 on FCAT Reading, as such review occurs at the school level;
- Statutory references to reading programs that no longer exist and are obsolete due to elimination of federal Reading First funding, e.g., supplemental tutoring, Read at Home, READ initiative, Families Building Better Readers Workshops;¹⁰² and
- Redundant reporting requirements, e.g., school district reporting to DOE related to weekly progress monitoring and Intensive Acceleration classes for 3rd graders, as DOE is not required to do anything with this information.

Performance Funding

Legislation enacted in 2012 established performance-based funding for courses requiring must pass, statewide, standardized EOC assessments, i.e., Algebra I, Geometry, and Biology I.¹⁰³ Beginning in the fourth year of administering the EOC assessment, a school district's receipt of FTE funding for the course is contingent upon the student passing the EOC assessment. Therefore, if a student fails the EOC assessment, the school will not receive FTE funding for that course. This requirement becomes effective in the 2013-14 school year, the fourth year of administration for the Algebra I EOC.¹⁰⁴ Additionally, funding of school district virtual program and Florida Virtual School students enrolled in courses requiring passage of an EOC assessment is contingent upon whether or not the student passes the EOC assessment.¹⁰⁵ These provisions are repealed by the bill.

Transition to Common Core Assessments

The bill requires the state board to adopt rules establishing an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics, and the Algebra I and Geometry EOC assessments to common core assessments in mathematics and ELA. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, and school district readiness to administer the common core assessments online. In the fourth year of administration, after field and baseline testing, the common core assessment may, and with respect to the common core

¹⁰¹ Sections 1003.4156(1)(b) and 1003.428(2)(b)1., F.S.

¹⁰² See Telephone interview with Deputy Director, Just Read, Florida! (Feb. 1, 2013).

¹⁰³ Section 27, ch. 2012-191, L.O.F., *codified as* s. 1011.61(1)(c)1.b.VII., F.S.

¹⁰⁴ See s. 1008.22(3)(c), F.S.

¹⁰⁵ Sections 1002.37(3)(a)3., 1002.45(7)(e), 1008.22(3)(g), and 1011.61(1)(c)1.b.(V), F.S. Funding must not be adjusted for home education program students who choose to not take an end-of-course assessment. Section 1002.37(3)(a)3., F.S.

assessments in Algebra I and 10th grade ELA shall, be required to earn high school course credit. Until the 10th grade common core ELA assessment and the common core Algebra I assessment become must pass assessments, students must pass 10th grade FCAT Reading and the Algebra I EOC assessment, or achieve a concordant or equivalent score in order to meet graduation requirements. Thus, the bill maintains the requirement that high school students pass a high school level reading and mathematics assessment to earn a standard diploma during the transition to common core assessments. Furthermore, the bill's transition schedule increases the likelihood that student and school district readiness for the new assessments will be factored into the transition to common core assessments.

The bill also provides for the inclusion of common core mathematics assessments and ELA in the calculation of school and school district grades, when these assessments are implemented. Thus, school districts will be accountable for student performance on these assessments when the transition is made.

The bill specifies that Common Core assessments must use achievement levels 1 through 5. Students taking 10th grade FCAT Reading or the Algebra I EOC assessment are not required to take the respective common core assessments. In addition, students must be provided retake opportunities for common core assessments in Algebra I and 10th and 11th grade ELA assessments.

B. SECTION DIRECTORY:

Section 1. Amends s. 1000.03, F.S., relating to the Function, mission, and goals of the Florida K-20 education system; provides goals regarding K-20 career and education planning.]

Section 2. Amends s. 1000.21, F.S., relating to Systemwide definitions; eliminates reference to Sunshine State Standards; defines the Next Generation Sunshine State Standards to include the common core standards in English Language Arts and Mathematics.

Section 3. Amends s. 1002.3105, F.S.; relating to Academically Challenging Curriculum to Enhance Learning Options; adds rigorous industry certifications and work-related internships or apprenticeships as options.

Section 4. Amends s. 1002.33, F.S., relating to Charter schools; conforms provisions.

Section 5. Amends s. 1002.37, F.S., relating to the Florida Virtual School; removes provisions requiring adjustment of funding based upon student passage of certain assessments.

Section 6. Repeals s. 1002.375, relating to the Alternative credit for high school courses pilot program.

Section 7. Amends s. 1002.45, F.S., relating to Virtual instruction programs; removes provisions requiring adjustment of funding based upon student passage of certain assessments.

Section 8. Amends s. 1003.02, F.S., relating to District school board operation and control of public K-12 education within the school district; conforms provisions.

Section 9. Amends s. 1003.03, F.S., relating to Maximum class size; encourages use of the early graduation option to help districts meet class size requirements; conforms provisions.

Section 10. Amends s. 1003.41, F.S., relating to Sunshine state standards; replaces term Sunshine State Standards with Next Generation Sunshine State Standards; requires standards for economics to include financial literacy; eliminates obsolete deadlines and requirements; conforms provisions.

Section 11. Repeals s. 1003.413, F.S., relating to the Florida Secondary School Redesign Act.

Section 12. Amends s. 1003.4156, F.S., relating to General requirements for middle grades promotion; revises provisions relating to the assessment of Civics; revises career and academic planning course; revises remediation requirements; conforms provisions.

Section 13. Amends s. 1003.4203, F.S., relating to Digital curriculum; requires digital instructional materials to student in prekindergarten through 12, including students with disabilities; establishes the Florida Cyber Security Recognition, Florida Digital Arts Recognition, and Florida Digital Tools Certificate programs; specifies requirements for the programs.

Section 14. Amends s. 1003.428, F.S., relating to General requirements for high school graduation, revised; adds financial literacy instruction in economics; repeals provisions regarding the award of diplomas to certain veterans; conforms provisions.

Section 15. Amends s. 1003.4281, F.S., relating to Early high school graduation; clarifies that need only complete the state-required 24 credits to be eligible for early high school graduation.

Section 16. Creates s. 1003.4282, F.S., relating to Requirements for a Standard high school diploma; establishes College and Career, Industry, and Scholar designations; specifies credit, testing, and other graduation requirements for graduation; provides a designation selection process; provides for the establishment of career education courses to allow students to earn career education and academic credit simultaneously.

Section 17. Amends s. 1003.4285, relating to Standard high school diploma designations; requires recognition of completion of the College and Career, Industry, and Scholar designations on the diploma; removes an obsolete diploma designation.

Section 18. Creates s. 1003.4286, F.S., relating to Award of standard high school diplomas to honorably discharged veterans; authorizes the commissioner to award diplomas to honorably discharged veterans, regardless of era of service.

Section 19. Repeals s. 1003.429, F.S., relating to Accelerated high school graduation options.

Section 20. Amends s. 1003.4295, relating to Acceleration options; conforms provisions.

Section 21. Repeals s. 1003.43, F.S., relating to General requirements for high school graduation.

Section 22. Amends s. 1003.433, F.S., relating to Learning opportunities for out-of state and out-of-country transfer students; conforms provisions.

Section 23. Repeals s. 1003.435, relating to High school equivalency diplomas; removes rulemaking authority.

Section 24. Amends s. 1003.436, F.S., Definition of a credit; creates an exception for students earning credit through the Credit Acceleration Program.

Section 25. Amends s. 1003.438, F.S., relating to Special high school graduation requirements for certain exceptional students; conforms provisions.

Section 26. Amends s. 1003.4935, F.S., relating to Middle school career and professional academy courses and career-themed courses; removes rulemaking authority; conforms provisions.

Section 27. Amends s. 1003.51, F.S., relating to Other public educational services; conforms provisions.

Section 28. Amends s. 1003.621, F.S., relating to Academically high-performing school districts; conforms provisions.

Section 29. Amends s. 1004.935, F.S., relating to Adults with Disabilities Workforce Education Pilot Program; conforms provisions.

Section 30. Amends s. 1007.271, F.S., relating to Dual enrollment programs; revises requirements relating to career dual enrollment and career early admission; conforms provisions.

Section 31. Amends s. 1008.22, F.S., relating to Statewide assessments; conforms assessment provisions to high school graduation designations; specifies a date for administering the Florida Alternate Assessment; specifies requirements regarding concordant and equivalent scores for statewide assessments; revises provisions relating to the assessment of middle school Civics; provides that additional EOC assessments established by the commissioner count as 30 percent of student's final course grade; specifies requirements for revising cut scores; requires the state board to adopt a transition schedule for common core assessments.

Section 32. Amends s. 1008.25, F.S., relating to Public school student progression; requires comprehensive student progression plan to include instructional sequences relating to digital competency tools/application; eliminates redundant reporting and progress reviews; eliminates reference to obsolete programs; conforms provisions.

Section 33. Amends s. 1008.30, F.S., relating to Common placement testing; conforms provisions.

Section 34. Amends s. 1008.34, F.S., relating to the School grading system; conforms provisions.

Section 35. Creates s. 1008.44, F.S., relating to Industry certifications; requires state board to annually adopt industry certification funding lists; establishes a postsecondary industry certification funding list; allows differentiated funding for certain industry certifications

Section 36. Amends s. 1009.531, F.S., relating to the Florida Bright Futures Scholarship Program; conforms provisions.

Section 37. Amends s. 1011.61, F.S., relating to the definition of Full-time equivalent student; removes the provisions conditioning funding of students in courses with certain assessments on student passage of the assessment.

Section 38. Amends s. 1012.22, F.S., relating to Public school personnel; conforms provisions.

Section 39. Amends s. 1012.56, F.S., relating to Educator certification; conforms provisions.

Section 40. Amends s. 1001.42, F.S., relating to Powers and duties of district school boards; adds provisions authorizing each district school board to appoint a technical center governing board; sets forth membership and function.

Section 41. Creates an unnumbered section of law enabling students who have already selected an accelerated graduation option to complete the program.

Section 42. Creates an unnumbered section of law directing the Division of Law Revision and Information to change all statutory references from Sunshine State Standards to Next Generation Sunshine State Standards.

Section 43. Provides that the bill takes effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal impact of this bill is indeterminate. The administrative and procedural costs to districts to make the necessary adjustments required by the bill, including notifications to students and parents about the changes in law and student placement within the standard diploma designations cannot be quantified. Routine notifications to parents and students already occur, but the bill will require adjustments to the content of the information provided.

The bill does remove the "pay for performance" provision that would have kept districts and the FLVS from receiving FTE funding for students who did not pass the required EOC assessments.

The bill requires school districts to provide students with access to digital instructional materials and specifies that such materials may be provided through open-access options or deployed through online or digital computer applications. Thus, the bill does not require school districts to develop or purchase new materials, as cost-free options or digital materials already in service may be used to fulfill this requirement. Furthermore, school districts choosing to purchase new materials may use a portion of their state funds for instructional materials for this purpose.

The bill requires DOE to develop more career education courses, contingent upon funding; accordingly that requirement is fiscally neutral. However, in order for the career education program to grow, additional funding would be beneficial.

This bill, in effect, will reduce the number of EOC assessment retakes required, which will reduce expenses to DOE in that costs of statewide, standardized assessments, which include EOC assessments and retakes are born by the department.

When the state transitions to common core assessments in ELA and Mathematics there will be an overlap period wherein some students will continue to take 10th grade FCAT Reading and the Algebra I EOC assessment while students in other grades and courses will be taking the common core assessments. These costs occur whenever the state transitions to different assessments.

Since the bill does not require transition to common core assessments by a date certain, but authorizes transition pursuant state board adoption of a transition schedule, there is no immediate fiscal impact. However, given the predicted rigor and length of the new common core assessments as well as their anticipated online delivery, costs will occur to develop the necessary infrastructure for school districts to be able to manage the assessment schedule and for DOE to deploy the new assessments. In addition, costs are associated with the purchase of the common core assessments as well as recurring costs associated with the distribution, maintenance, and grading of the assessments. Once the state is fully transitioned to common core English Language Arts and Mathematics assessments, then the funding for FCAT Reading, FCAT Writing, and the Algebra I EOC assessments will fully shift to support funding for common core assessments.

The department annually receives funding through a specific appropriation for "Assessment and Evaluation." The costs associated with transition to common core assessments will need to be addressed through that specific appropriation. For FY 2012-13, \$85.5 million was appropriated for assessment and evaluation; \$72.2 million for K-12 and \$13.3 for postsecondary. Of the \$72.2 million approximately \$10 million is for use for non-FCAT/EOC assessment purposes.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill establishes new State Board of Education rulemaking authority regarding:

- The new high school diploma designations.
- Digital literacy materials, recognitions, and certificates.
- An implementation schedule for transitioning from existing statewide assessments to common core assessments in mathematics and ELA.
- A Postsecondary Industry Certification Funding List.

The bill repeals rulemaking authority regarding high school equivalency diplomas and middle school career and professional academy courses and career-themed courses.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to background screening for
 3 noninstructional contractors on school grounds;
 4 amending s. 1012.467, F.S.; requiring the Department
 5 of Education to create a uniform, statewide
 6 identification badge to be worn by noninstructional
 7 contractors signifying that a contractor has met
 8 specified requirements; requiring school district
 9 issuance and recognition of the identification badge;
 10 providing for validity period of the identification
 11 badge; providing for a uniform cost for receipt of the
 12 identification badge to be borne by the contractor;
 13 providing an exception for certain contractors;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsection (8) is added to section 1012.467,
 19 Florida Statutes, to read:

20 1012.467 Noninstructional contractors who are permitted
 21 access to school grounds when students are present; background
 22 screening requirements.—

23 (8) (a) The Department of Education shall create a uniform,
 24 statewide identification badge to be worn by noninstructional
 25 contractors signifying that a contractor has met the
 26 requirements of this section. The school district shall issue an
 27 identification badge to the contractor, which must bear a
 28 photograph of the contractor. An identification badge shall be

29 | issued if the contractor:

30 | 1. Is a resident and citizen of the United States or a
 31 | permanent resident alien of the United States as determined by
 32 | the United States Citizenship and Immigration Services;

33 | 2. Is 18 years of age or older; and

34 | 3. Meets the background screening requirements under this
 35 | section.

36 | (b) The uniform, statewide identification badge shall be
 37 | recognized by all school districts and must be visible at all
 38 | times that a noninstructional contractor is on school grounds.

39 | (c) The identification badge shall be valid for a period
 40 | of 5 years. If a noninstructional contractor provides
 41 | notification pursuant to subsection (6), the contractor shall,
 42 | within 48 hours, return the identification badge to the school
 43 | district that issued the badge.

44 | (d) The Department of Education shall determine a uniform
 45 | cost that a school district may charge a noninstructional
 46 | contractor for receipt of the identification badge, which shall
 47 | be borne by the recipient of the badge.

48 | (e) This subsection does not apply to noninstructional
 49 | contractors who are exempt from background screening
 50 | requirements pursuant to s. 1012.468.

51 | Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 21 Background Screening for Noninstructional Contractors on School Grounds
SPONSOR(S): Perry and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 318

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle <i>GB</i>	Ahearn <i>[Signature]</i>
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires the Department of Education (DOE) to create a uniform, statewide identification badge signifying that a noninstructional contractor has satisfied the specified background screening requirements. School districts are responsible for issuing the badges, which must include a photograph of the contractor. A contractor must be issued a badge if he or she is a U.S. resident and citizen or permanent resident alien; 18 years of age or older; and meets the specified background screening requirements.

The badge must be recognized by each Florida school district, visibly worn by the noninstructional contractor when on school grounds, and is valid for five years. DOE must determine a uniform cost that may be charged to a contractor for the badge. Contractors who are exempt from background screening requirements are not required to obtain a badge.

Currently, there is no required uniform, statewide identification badge that signifies that a noninstructional contractor has satisfied background screening requirements. School districts generally issue their own identification badges or proof of clearance.

Noninstructional contractors will be charged a fee for the statewide identification badge, as set by DOE. Currently school districts that issue identification badges set their own fee. There is no way to know at this time whether DOE's set fee will be higher or lower than that currently charged by the districts. However, noninstructional contractors who work in multiple school districts would only be required to obtain and pay for one identification badge, rather than obtaining a badge and paying a fee in each individual district. This may result in reduced costs for noninstructional contractors.

School districts that issue their own identification badges will have to redesign their current system in order to issue the uniform, statewide identification badge. The costs associated with this process are indeterminate. Districts that contract with a vendor for this process may incur costs associated with re-negotiating the contract. Also, a school district that does not originate the background screening and issuance of the statewide identification badge will no longer be able to issue its own badge and charge a corresponding fee.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background Screening

Florida law requires individuals who work in, or provide services to, public schools and school districts to undergo a fingerprint-based background screening before being permitted access to school grounds.¹ The individuals who must undergo background screening fall under three personnel classifications - instructional and noninstructional personnel,² noninstructional school district employees and contracted personnel,³ and noninstructional contractors.⁴ The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.⁵

Noninstructional contractors are vendors of services and contractors who are permitted access to school grounds when students are present, do not have direct contact with students, and are not school district employees.⁶ The noninstructional contractor's fingerprints are submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks. FDLE is responsible for forwarding the fingerprints to the Federal Bureau of Investigation (FBI) for federal criminal records checks.⁷ FDLE provides the results of the criminal records checks to the school district, which must then screen the records against a statutorily prescribed list of disqualifying offenses.⁸ Noninstructional contractors must be screened against nine disqualifying offenses:⁹

- Offenses regarding registration as a sexual offender;¹⁰
- Sexual misconduct with certain developmentally disabled clients;¹¹
- Sexual misconduct with certain mental health patients;¹²
- Terrorism;¹³
- Murder;¹⁴
- Kidnapping;¹⁵
- Offenses related to lewdness and indecent exposure;¹⁶

¹ Sections 1012.32, 1012.465, and 1012.467, F.S. Private schools participating in educational choice scholarship programs must also submit fingerprints of employees and contracted personnel with direct student contact to FDLE. *See* ss. 943.0542 and 1002.421(2)(i), F.S.

² Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S.

³ Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

⁴ Section 1012.467(2)(a), F.S.

⁵ Sections 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

⁶ Section 1012.467(1)(a) and (2)(a) and (g), F.S.

⁷ Sections 1012.32(2) and 1012.467(2)(a), F.S.

⁸ Section 1012.32(2), F.S. (flush-left provisions at end of subsection; instructional and noninstructional personnel); s. 1012.465(3), F.S. (noninstructional school district employees); s. 1012.467(3), F.S. (noninstructional contractors).

⁹ Section 1012.467(2)(g), F.S.

¹⁰ Section 943.0435(1)(a)1., F.S.

¹¹ Section 393.135, F.S.

¹² Section 394.4593, F.S.

¹³ Section 775.30, F.S.

¹⁴ Section 782.04, F.S.

¹⁵ Section 787.01, F.S.

- Incest;¹⁷ and
- Child abuse, aggravated child abuse, or neglect of a child.¹⁸

If the noninstructional contractor has not been convicted of any of the nine disqualifying offenses, the school district may permit him or her to work on school grounds. School districts generally issue their own identification badges or proof of clearance. School districts are not currently prohibited from disqualifying a noninstructional contractor based upon additional offenses.¹⁹

Background screening is not required for noninstructional contractors who are:

- On school grounds while under the direct supervision of a school district employee or contractor who has been screened;
- Required to undergo level 2 background screening²⁰ for licensure, certification, employment, or other purposes;
- Law enforcement officers;
- Employees or medical directors of an ambulance service;
- Confined to an area where students are not permitted if the site is separated from school grounds by a chain link fence;
- Providing pick-up or delivery services involving only brief visits on school grounds when students are present; and
- Investigators for the Florida High School Athletic Association that have undergone level 2 background screening.²¹

Noninstructional contractors who are exempt from background screening must have their name searched in the FDLE and national sex offender registries. The individual may not be permitted on school grounds if he or she is identified as a sexual predator or sexual offender in the registry search. The school district may not charge the individual a fee for the search.²²

Each noninstructional contractor's fingerprints are retained in the statewide automated fingerprint identification system for five years, at which time the individual must be rescreened.²³ The statewide system enables school districts to screen noninstructional contractors who are new to the district, but who have already had a criminal history check by another district, without having to initiate a new criminal history check. In such cases, the school district checks the database to see if the noninstructional contractor has any new arrests or convictions since the initial screening.²⁴

Additionally, FDLE must periodically search all new arrest fingerprint cards received against the fingerprints retained in the system. If these periodic searches reveal a new arrest on a noninstructional contractor's record, FDLE must notify any school districts that have screened the contractor.²⁵

Each noninstructional contractor must inform his or her employer (or other party to the contract) and the school district within 48 hours if he or she is arrested for any of the nine disqualifying offenses. Willful failure to do so is a third degree felony. If the employer (or other party to the contract) knows of such

¹⁶ Chapter 800, F.S.

¹⁷ Section 826.04, F.S.

¹⁸ Section 827.03, F.S.

¹⁹ Section 1012.467(4), F.S.

²⁰ Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 offenses. Instructional and noninstructional personnel and noninstructional school district employees and contractors must undergo level 2 screening. *See ss.* 435.04, 1012.32(2), 1012.465(1), and 1012.56(10), F.S.

²¹ Section 1012.468(2), F.S.

²² Section 1012.468(3), F.S.

²³ Section 1012.467(2)(a) and (e), F.S.; rule 11C-6.010(7), F.A.C.

²⁴ Section 1012.467(2)(d) and (7)(a) F.S.

²⁵ Section 1012.467(2)(c) and (d), F.S.; rule 11C-6.010(4), F.A.C.

offense and allows the contractor access to school grounds when students are present, he or she commits a third degree felony.²⁶

Effect of Proposed Changes

The bill requires the Department of Education (DOE) to create a uniform, statewide identification badge signifying that a noninstructional contractor has satisfied the specified background screening requirements. School districts are responsible for issuing the badges, which must include a photograph of the contractor. A contractor must be issued a badge if he or she is a U.S. resident and citizen or permanent resident alien; 18 years of age or older; and meets the specified background screening requirements.

The identification badge must be recognized by each Florida school district, visibly worn by the noninstructional contractor when on school grounds, and is valid for five years. DOE must determine a uniform cost that may be charged for the badge to a contractor. Contractors who are exempt from background screening requirements are not required to obtain a badge.

Current law requires each noninstructional contractor to inform his or her employer (or other party to the contract) and the school district within 48 hours if he or she is arrested for a disqualifying offense. If the noninstructional contractor provides notification of a disqualifying offense, the bill requires that contractor to return his or her identification badge to the issuing school district within 48 hours.

Currently, when a school district screens noninstructional contractors who are new to the district, but who have already had a criminal history check conducted by another district, the school district uses the statewide automated fingerprint identification system to check for new arrests or convictions that may have occurred since the initial criminal history check. The school district is prohibited from charging the contractor a fee for verifying the results of his or her criminal history check,²⁷ but is not prohibited from charging a fee for issuance of an identification badge. Under the bill, a school district that does not originate the background screening and issuance of the badge will no longer be able to issue its own badge and charge a corresponding fee.

The bill appears to prevent a school district's discretion to disqualify a noninstructional contractor for offenses that are not currently listed as disqualifying offenses. Furthermore, the bill does not require a contractor who is fired by his or her employer to return the badge to the school district or employer.

Finally, the bill requires DOE to determine the cost to a noninstructional contractor for receipt of an identification badge, which must be borne by the recipient of the badge. Currently, the amount school districts charge for the identification badges varies, as does the length of time such badges are valid.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.467, F.S., relating to background screening of noninstructional contractors on school grounds; requires DOE to create a statewide photo identification badge for noninstructional contractors; requires Florida school districts to accept the badge as proof of the contractor's compliance with specified background screening requirements; provides criteria for issuance of the badge by school districts; provides that the badge is valid for five years; requires return of the badge if a contractor commits a disqualifying offense; requires DOE to determine a uniform cost of the badge charged to contractors; provides an exemption.

Section 2. Provides an effective date of July 1, 2013.

²⁶ Section 1012.467(6), F.S. A third degree felony is punishable by a term of imprisonment not exceeding 5 years or fine not exceeding \$5000. Sections 775.082, and 775.083, F.S.

²⁷ Section 1012.467(2)(f), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Noninstructional contractors will be charged a fee for the identification badge, as set by DOE. Currently school districts that issue identification badges set their own fee. There is no way to know at this time whether DOE's set fee will be higher or lower than that currently charged by the districts. However, noninstructional contractors who work in multiple school districts would only be required to obtain and pay for one identification badge, rather than obtaining a badge and paying a fee in each individual district. This may result in reduced costs for noninstructional contractors.

D. FISCAL COMMENTS:

School districts that issue their own identification badges will have to redesign their current system in order to issue the uniform, statewide identification badge. The costs associated with this process are indeterminate. Districts that contract with a vendor for this process may incur costs associated with re-negotiating the contract. Also, a school district that does not originate the background screening and issuance of the statewide identification badge will no longer be able to issue its own badge and charge a corresponding fee.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
 2 Representative Stark offered the following:

Amendment (with title amendment)

Remove lines 18-23 and insert:

3
 4
 5
 6 The district school board shall convene at least one regular
 7 meeting each quarter within a school year during the evening
 8 hours. The district school board shall create written criteria
 9 for deciding when to convene a quarterly meeting during the
 10 evening hours.

11
 12 -----
 13 **T I T L E A M E N D M E N T**

Remove lines 3-7 and insert:

14
 15 amending s. 1001.372, F.S.; requiring district school boards to
 16 convene at least one regular meeting each quarter within a
 17 school year during the evening hours and to create criteria for
 18 convening such a meeting; providing an effective date.

1 A bill to be entitled
 2 An act relating to meetings of district school boards;
 3 amending s. 1001.372, F.S.; requiring district school
 4 boards to hold at least one regular meeting each
 5 quarter during a school year after school hours or
 6 during the evening hours and to create criteria for
 7 holding such meeting; providing an effective date.

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

10
 11 Section 1. Subsection (1) of section 1001.372, Florida
 12 Statutes, is amended to read:

13 1001.372 District school board meetings.-

14 (1) REGULAR AND SPECIAL MEETINGS.-

15 (a) The district school board shall hold not less than one
 16 regular meeting each month for the transaction of business
 17 according to a schedule arranged by the district school board.
 18 The district school board shall hold at least one regular
 19 meeting each quarter within a school year which is conducted
 20 after school hours or during the evening hours. The district
 21 school board shall create written criteria to decide when to
 22 hold a quarterly meeting after school hours or during the
 23 evening hours.

24 (b) The district school board ~~and~~ shall convene in a
 25 special meeting ~~sessions~~ when called by the district school
 26 superintendent or by the district school superintendent on
 27 request of the chair of the district school board, or on request
 28 of a majority of the members of the district school board. If

29 the district school superintendent does not call a special
 30 meeting when requested to do so, as prescribed in this
 31 paragraph, such a meeting may be called by the chair of the
 32 district school board or by a majority of the members of the
 33 district school board by giving 2 days' written notice of the
 34 time and purpose of the meeting to all members and to the
 35 district school superintendent. An action; ~~provided that actions~~
 36 taken at a special meeting has meetings shall have the same
 37 force and effect as if taken at a regular meeting, and; ~~and~~
 38 ~~provided further that in the event the district school~~
 39 ~~superintendent should fail to call a special meeting when~~
 40 ~~requested to do so, as prescribed herein, such a meeting may be~~
 41 ~~called by the chair of the district school board or by a~~
 42 ~~majority of the members of the district school board by giving 2~~
 43 ~~days' written notice of the time and purpose of the meeting to~~
 44 ~~all members and to the district school superintendent, in which~~
 45 ~~event~~ the minutes of the meeting must shall set forth the facts
 46 regarding the procedure in calling the meeting and the reason
 47 the meeting was called. The minutes must therefor and shall be
 48 signed ~~either~~ by the chair or by a majority of the members of
 49 the district school board.

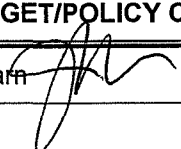
50 Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 127 Meetings of District School Boards

SPONSOR(S): Stark

TIED BILLS: **IDEN./SIM. BILLS:** SB 134

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle GB	Ahearn 
2) Rulemaking Oversight & Repeal Subcommittee			
3) Education Appropriations Subcommittee			
4) Education Committee			

SUMMARY ANALYSIS

Florida law requires each district school board to hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the board. School board meetings must be held in the office of the district school superintendent or a room convenient to that office and regularly designated as the board meeting room. Meetings may be held at other public locations if at least 48 hours public notice is given. The law does not specify the weekdays or times in which particular meetings must be held.

The bill requires each district school board to hold at least one regular meeting per quarter during after school or evening hours. These quarterly meetings must coincide with the school year. This change provides increased opportunity for parent and public participation in board meetings.

The school day typically ends before the end of the standard 9 a.m. to 5 p.m. workday. Because the bill permits school boards to schedule meetings either "after school" or "during evening hours," board meetings could still be scheduled at times of day that are inconvenient to working parents and the public. The sponsor has filed an amendment to address this issue. See Drafting Issues or Other Comments.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

District School Board Meetings

Florida law requires each district school board to hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the board.¹ School board meetings must be held in the office of the district school superintendent or a room convenient to that office and regularly designated as the board meeting room. Meetings may be held at other public locations if at least 48 hours public notice is given.² The law does not specify the weekdays or times in which particular meetings must be held.

Effect of Proposed Changes

The bill requires each district school board to hold at least one regular meeting per quarter during after school or evening hours. These quarterly meetings must coincide with the school year. This change would provide increased opportunity for parent and public participation in board meetings.

The school day typically ends before the end of the standard 9 a.m. to 5 p.m. workday. Because the bill permits school boards to schedule meetings either "after school" or "during evening hours," board meetings could still be scheduled at times of day that are inconvenient to working parents and the public.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.372, F.S., relating to district school board meetings; requires school boards to hold one meeting per quarter within the school year during after school or evening hours.

Section 2. Provides that the bill takes effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹ Section 1001.372(1), F.S.

² Section 1001.372(2)(a)-(b), F.S. The meeting must be noticed in a newspaper of general circulation in the county. If there is no newspaper of general circulation in the county, the meeting may be noticed by announcements over at least one radio station whose signal is generally received in the county or notice posted on the courthouse door. Section 1001.372(2)(c), F.S.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 18-22: The bill permits school boards to schedule meetings either "after school" or "during evening hours." Because the school day typically ends before the end of the standard 9 a.m. to 5 p.m. workday, board meetings could still be scheduled at times of day that are inconvenient to working parents and the public. The sponsor has filed an amendment to address this issue.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to American Founders' Month; providing
3 a short title; creating s. 683.1455, F.S.; designating
4 the month of September as "American Founders' Month";
5 authorizing the Governor to annually issue a
6 proclamation designating the month and urging
7 participation; amending s. 1003.44, F.S.; requiring
8 district school boards to celebrate the American
9 Founders and the principles inherent in the country's
10 founding documents by observing American Founders'
11 Month; providing guidelines for instruction; providing
12 that instruction may be integrated into the existing
13 school curriculum; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. This act may be cited as the "American
18 Founders' Month Act."

19 Section 2. Section 683.1455, Florida Statutes, is created
20 to read:

21 683.1455 American Founders' Month.—

22 (1) The month of September of each year is designated as
23 "American Founders' Month."

24 (2) The Governor may annually issue a proclamation
25 designating the month of September as "American Founders' Month"
26 and urging all civic, fraternal, and religious organizations and
27 public and private educational institutions to recognize and
28 observe this occasion through appropriate programs, meetings,

29 services, or celebrations in which state, county, and local
 30 governmental officials are invited to participate.

31 Section 3. Subsection (2) of section 1003.44, Florida
 32 Statutes, is amended, and subsections (3) and (4) are added to
 33 that section, to read:

34 1003.44 Patriotic programs; rules.—

35 (2) Each district school board may allow any teacher or
 36 administrator to read, or to post in a public school building or
 37 classroom or at any school-related event, any excerpt or portion
 38 of the following historic material: the national motto; the
 39 national anthem; the pledge of allegiance; the Constitution of
 40 the State of Florida, including the Preamble; the Constitution
 41 of the United States, including the Preamble; the Bill of
 42 Rights; the Declaration of Independence; the Mayflower Compact;
 43 the Emancipation Proclamation; the writings, speeches,
 44 documents, and proclamations of the presidents of the United
 45 States, the signers of the Constitution of the United States and
 46 the Declaration of Independence, and civil rights leaders; and
 47 decisions of the United States Supreme Court. However, any
 48 material that is read, posted, or taught pursuant to this
 49 provision may be presented only from a historical perspective
 50 and in a nonproselytizing manner. When less than an entire
 51 document is used, the excerpt or portion must include as much
 52 material as is reasonably necessary to reflect the sentiment of
 53 the entire document and avoid expressing statements out of the
 54 context in which they were originally made. If the material
 55 refers to laws or judicial decisions that have been superseded,
 56 the material must be accompanied by a statement indicating that

57 such law or decision is no longer the law of the land. No
 58 material shall be selected to advance a particular religious,
 59 political, or sectarian purpose. ~~The department shall distribute~~
 60 ~~a copy of this section to each district school board, whereupon~~
 61 ~~each district school superintendent shall distribute a copy to~~
 62 ~~all teachers and administrators.~~

63 (3) (a) Each district school board shall celebrate the
 64 American Founders and the principles inherent in the country's
 65 founding documents by observing American Founders' Month in
 66 September of each year as provided in s. 683.1455. This month
 67 may be coordinated with Celebrate Freedom Week, which is
 68 observed pursuant to s. 1003.421.

69 (b) During American Founders' Month, students may be
 70 provided instruction that focuses on:

71 1. The leading figures present at the country's founding,
 72 including those who were instrumental in crafting the founding
 73 documents that institutionalized individual liberty and limited
 74 government that derives its power from the consent of the
 75 governed.

76 2. The moral and civic virtue, self-sacrifice,
 77 intellectual genius, and patriotism demonstrated by the
 78 country's founding fathers.

79 3. The founding documents, including, but not limited to,
 80 the Declaration of Independence, the Constitution of the United
 81 States, the Bill of Rights, and the Federalist Papers.

82 4. The historical and philosophical importance of the
 83 Declaration of Independence with its emphasis that all people
 84 "are endowed by their Creator with certain unalienable rights,

85 | that among these are life, liberty, and the pursuit of
 86 | happiness."

87 | 5. The principles inherent in the founding documents,
 88 | including, but not limited to, individual freedom, equality,
 89 | limited representative government, a free market system, civic
 90 | virtue, natural law, and self-evident truth.

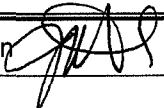
91 | (c) The instruction may be integrated into the existing
 92 | school curriculum through methods including, but not limited to,
 93 | supplementing lesson plans, holding school assemblies, or
 94 | providing school-related activities.

95 | (4) The department shall distribute a copy of this section
 96 | to each district school board, whereupon each district school
 97 | superintendent shall distribute a copy to all school
 98 | administrators and instructional personnel at the beginning of
 99 | each school year.

100 | Section 4. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 295 American Founders' Month
SPONSOR(S): Bileca and others
TIED BILLS: IDEN./SIM. BILLS: SB 476

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle GB	Ahearn 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Florida law requires district school boards to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government. The law provides procedures for singing the national anthem and reciting the pledge of allegiance to the flag of the United States in public schools and school functions. The pledge must be recited daily in all Florida public schools. Additionally, public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. During Celebrate Freedom Week, students must receive specified instruction on the Declaration of Independence and public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day.

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

During "American Founders' Month" school boards may provide instruction focused upon:

- The leading figures present at the country's founding, including those who were instrumental in crafting the founding documents.
- The "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during "American Founders' Month" into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Required Instruction

Florida law requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.¹

Patriotic Programs

School boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and flag. The law also specifies procedures for the singing of the national anthem and recitation of the pledge of allegiance to the flag of the United States in public schools and at school-sponsored functions. The pledge must be recited at the beginning of the day in each public school in the state. Students must be excused from reciting the pledge if their parent submits a written request.²

Any teacher or school administrator may read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event. Such documents may be read, posted, or taught only from a historical perspective, in a nonproselytizing manner. If an excerpt from a specified historical document is used, such selection must reflect the sentiment of the entire document. If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer valid.³

Recitation of the Declaration of Independence

Public schools must annually observe Celebrate Freedom Week during the last full week of classes in September. Such observance must include at least three hours of instruction involving an in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district. Additionally, public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day or in homeroom to reaffirm the American ideals of individual liberty. Students must be excused from reciting the Declaration of Independence if their parent submits a written request.⁴

Effect of Proposed Changes

The bill designates the month of September as "American Founders' Month" and authorizes the Governor to issue a proclamation urging public and private organizations within the state to celebrate the month. The bill requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the

¹ Section 1003.42(2)(a)-(d), F.S.

² Section 1003.44 (1), F.S. Under federal law, September 17 is designated as Constitution Day and Citizenship Day. The law encourages "civil and educational authorities of States, counties, cities, and towns" "to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside". 36 U.S.C., s. 106.

³ Section 1003.44(2), F.S.

⁴ Section 1003.421, F.S.

founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

During "American Founders' Month" school boards may provide instruction focused upon:

- The leading figures present at the country's founding, including those who were instrumental in crafting the founding documents.
- The "moral and civic virtue, self-sacrifice, intellectual genius, and patriotism" of the founding fathers.
- The importance of the founding documents and the principles inherent in such documents.
- The historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

School boards may integrate instruction provided during "American Founders' Month" into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

Currently, the Department of Education must distribute a copy of the law on patriotic programs to each district school board. District school superintendents must distribute a copy of the law on patriotic programs to all teachers and administrators.⁵ The bill changes the terms "teachers" and "administrators" to "instructional personnel"⁶ and "school administrators."⁷ These terms are the school-based personnel classifications specifically defined in statute.

B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 683.1455, F.S., relating to "American Founders' Month Act," designating the month of September of each year as "American Founders' Month."

Section 3. Amends s. 1003.44, F.S., relating to patriotic programs, requiring district school boards to observe "American Founders' Month," specifying the focus of instruction during the month; providing that such instruction may be integrated into existing school curriculum; and requiring distribution of specified information to school personnel.

Section 4. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

⁵ *Id.*

⁶ Instructional personnel provide direct instructional services or direct instructional support to students in grades kindergarten through 12. Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

⁷ School administrators include school principals, school or career center directors, and assistant principals. School principals and school or career center directors serve as the administrative head of a school. Assistant principals assist the administrative head of a school and include assistant principals for curriculum and instruction. Section 1012.01(3)(c), F.S.

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may provide students with instruction that focuses on the people, the events, the documents, the ideas, and the key principles surrounding the foundation of America. This instruction may be included in existing lesson plans, or taught in school assemblies or other school-related activities. School districts that choose to include this instruction could incur minimal costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
2 Representative Fullwood offered the following:

Amendment

5 Remove lines 41-50 and insert:

6 (d) Through the use of data or computer software that is
7 accessed at a nonschool-related location, activity, function, or
8 program or through the use of technology or an electronic device
9 that is not owned, leased, or used by a school district or
10 school, if the bullying substantially interferes with or limits
11 the victim's ability to participate in or benefit from the
12 services, activities, or opportunities offered by a school or
13 substantially disrupts the education process or orderly
14 operation of a school. This paragraph does not require a school
15 to staff or monitor any nonschool-related activity, function, or
16 program.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: K-12 Subcommittee
2 Representative Fullwood offered the following:

Amendment (with title amendment)

Remove lines 63-65 and insert:

- 9. Public or private humiliation; or
- 10. Destruction of property.

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

Remove lines 10-11 and insert:

includes cyberbullying; defining the terms

29 | 1006.147 Bullying and harassment prohibited.-

30 | (2) Bullying or harassment of any student or employee of a
31 | public K-12 educational institution is prohibited:

32 | (a) During any education program or activity conducted by
33 | a public K-12 educational institution;

34 | (b) During any school-related or school-sponsored program
35 | or activity or on a school bus of a public K-12 educational
36 | institution; ~~or~~

37 | (c) Through the use of data or computer software that is
38 | accessed through a computer, computer system, or computer
39 | network within the scope of a public K-12 educational
40 | institution; or

41 | (d) Through the use of data or computer software that is
42 | accessed at a nonschool-related location, activity, function, or
43 | program or through the use of technology or an electronic device
44 | that is not owned, leased, or used by a school district or
45 | school, if the bullying creates a hostile environment at school
46 | for the victim, infringes on the rights of the victim at school,
47 | or materially or substantially disrupts the education process or
48 | the orderly operation of a school. This paragraph does not
49 | require a school to staff any nonschool-related activity,
50 | function, or program.

51 | (3) For purposes of this section:

52 | (a) "Bullying" includes cyberbullying and means
53 | systematically and chronically inflicting physical hurt or
54 | psychological distress on one or more students and may involve:

- 55 | 1. Teasing;
56 | 2. Social exclusion;

- 57 | 3. Threat;
- 58 | 4. Intimidation;
- 59 | 5. Stalking;
- 60 | 6. Physical violence;
- 61 | 7. Theft;
- 62 | 8. Sexual, religious, or racial harassment;
- 63 | 9. Public or private humiliation; ~~or~~
- 64 | 10. Emotional pain or discomfort; or
- 65 | 11.10. Destruction of property.

66 | (b) "Cyberbullying" means bullying through the use of
 67 | technology or any electronic communication, which includes, but
 68 | is not limited to, any transfer of signs, signals, writing,
 69 | images, sounds, data, or intelligence of any nature transmitted
 70 | in whole or in part by a wire, radio, electromagnetic system,
 71 | photoelectronic system, or photooptical system, including, but
 72 | not limited to, electronic mail, Internet communications,
 73 | instant messages, or facsimile communications. Cyberbullying
 74 | includes the creation of a webpage or weblog in which the
 75 | creator assumes the identity of another person, or the knowing
 76 | impersonation of another person as the author of posted content
 77 | or messages, if the creation or impersonation creates any of the
 78 | conditions enumerated in the definition of bullying.
 79 | Cyberbullying also includes the distribution by electronic means
 80 | of a communication to more than one person or the posting of
 81 | material on an electronic medium that may be accessed by one or
 82 | more persons, if the distribution or posting creates any of the
 83 | conditions enumerated in the definition of bullying.

84 | (c)-(b) "Harassment" means any threatening, insulting, or

85 dehumanizing gesture, use of data or computer software, or
 86 written, verbal, or physical conduct directed against a student
 87 or school employee that:

88 1. Places a student or school employee in reasonable fear
 89 of harm to his or her person or damage to his or her property;

90 2. Has the effect of substantially interfering with a
 91 student's educational performance, opportunities, or benefits;
 92 or

93 3. Has the effect of substantially disrupting the orderly
 94 operation of a school.

95 (d) "Within the scope of a public K-12 educational
 96 institution" means, regardless of ownership, any computer,
 97 computer system, or computer network that is physically located
 98 on school property or at a school-related or school-sponsored
 99 program or activity.

100 (e)~~(e)~~ Definitions in s. 815.03 and the definition in s.
 101 784.048(1)(d) relating to stalking are applicable to this
 102 section.

103 (f)~~(d)~~ The definitions of "bullying" and "harassment"
 104 include:

105 1. Retaliation against a student or school employee by
 106 another student or school employee for asserting or alleging an
 107 act of bullying or harassment. Reporting an act of bullying or
 108 harassment that is not made in good faith is considered
 109 retaliation.

110 2. Perpetuation of conduct listed in paragraph (a), ~~or~~
 111 paragraph (b), or paragraph (c) by an individual or group with
 112 intent to demean, dehumanize, embarrass, or cause physical harm

113 | to a student or school employee by:

114 | a. Incitement or coercion;

115 | b. Accessing or knowingly causing or providing access to
116 | data or computer software through a computer, computer system,
117 | or computer network within the scope of the district school
118 | system; or

119 | c. Acting in a manner that has an effect substantially
120 | similar to the effect of bullying or harassment.

121 | (4) By December 1, 2008, each school district shall adopt
122 | a policy prohibiting bullying and harassment of any student or
123 | employee of a public K-12 educational institution. Each school
124 | district's policy shall be in substantial conformity with the
125 | Department of Education's model policy mandated in subsection
126 | (5). The school district bullying and harassment policy shall
127 | afford all students the same protection regardless of their
128 | status under the law. The school district may establish separate
129 | discrimination policies that include categories of students. The
130 | school district shall involve students, parents, teachers,
131 | administrators, school staff, school volunteers, community
132 | representatives, and local law enforcement agencies in the
133 | process of adopting the policy. The school district policy must
134 | be implemented in a manner that is ongoing throughout the school
135 | year and integrated with a school's curriculum, a school's
136 | discipline policies, and other violence prevention efforts. The
137 | school district policy must contain, at a minimum, the following
138 | components:

139 | (1) A procedure for providing instruction to students,
140 | parents, teachers, school administrators, counseling staff, and

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141 | school volunteers on identifying, preventing, and responding to
 142 | bullying or harassment, including instruction on recognizing
 143 | behaviors that lead to bullying and harassment and taking
 144 | appropriate preventive action based on each of those
 145 | observations.

146 | (7)

147 | (c) Any complaint of a computer-related incident must be
 148 | investigated by a school district official using a computer on
 149 | which web-filtering software is not installed.

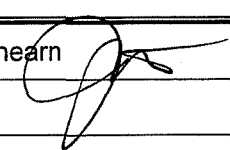
150 | Section 2. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 609 Bullying in Public School System

SPONSOR(S): Fullwood

TIED BILLS: IDEN./SIM. **BILLS:** SB 626

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle GB	Ahearn 
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Each district school board must adopt a policy prohibiting bullying and harassment in district schools. Among other things, the law prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a computer, computer system, or computer network that is within the scope of a public K-12 educational institution.

The law defines "bullying" as systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve teasing; social exclusion; threat; intimidation; stalking; physical violence; theft; sexual, religious, or racial harassment; public humiliation; or destruction of property. Currently, the law does not specifically include "cyberbullying" within the scope of such policies.

Among other things, the bill amends the definition of bullying to include cyberbullying and defines "cyberbullying" as bullying through the use of specified technology or electronic communications; the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages; or the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that is accessible to others.

The bill expands the scope of school district bullying policies to include computer-related bullying occurring outside the scope of a public K-12 educational institution and bullying using technology or electronic devices not owned, leased, or used by a public school or school district. Such conduct is actionable if it creates a hostile environment at school for the victim; infringes on the rights of the victim at school; or materially or substantially disrupts the education process or the orderly operation of a school.

The bill adds provisions defining "within the scope of a public K-12 educational institution" as any computer or computer system or network that is physically located on school property or at school-related or school-sponsored programs or activities, regardless of ownership.

Under the bill, public school officials may regulate computer-related bullying occurring outside the scope of a public K-12 educational institution if, among other things, the conduct "infringes on the rights of the victim at school." An issue arises as to what rights the bill refers to. Furthermore, the bill adds to the definition of bullying "emotional pain or discomfort" as an action the may constitute bullying. "Emotional pain or discomfort" is an impact not an action and the existing definition already speaks to actions that cause "psychological distress." The sponsor has filed amendments addressing these issues. See Drafting Issues or Other Comments.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Cyberbullying

Cyberbullying is the use of the internet, cell phones, and related technologies to hurt, harass, humiliate, or embarrass another person in a deliberate, repeated, and hostile manner. Cyberbullying includes such behaviors as:

- Creating a false online identity to trick another person into revealing personal information;
- Impersonating another person through creation of a false social networking page;
- Spreading lies and rumors about another person by text message or over the internet;
- Sending threatening or hurtful text messages; or
- Posting online embarrassing pictures of another person without their consent.¹

Victims of cyberbullying experience many of the same effects as children who are bullied in person, such as decreased school performance, low self-esteem, and depression.² National Center for Educational Statistics data for the 2009-10 school year indicates that 28 percent of students ages 12-18 reported being bullied at school, whereas approximately 6 percent reported being cyberbullied.³ Although cyberbullying is less prevalent than face-to-face bullying, the bully's use of technology increases his or her capacity for widespread public dissemination of hurtful, embarrassing, or false information, which may amplify the impact on the victim.⁴

Cyberbullying Laws and Court Precedents

Forty-nine states and the District of Columbia have laws that address school bullying; however, only 16 of these laws address cyberbullying.⁵ States' reluctance to enact cyberbullying laws is likely due to the absence of definitive court precedent regarding public school authority to regulate student speech and expression occurring off-campus, outside the scope of school district control, through internet or other electronic media.⁶

Generally speaking, student speech and expression is protected by the First Amendment of the U.S. Constitution.⁷ The U.S. Supreme Court has held that public school officials may regulate student speech or expression that substantially disrupts the school environment or interferes with the orderly operation of the school,⁸ is vulgar, lewd, or patently offensive,⁹ or promotes illegal activity¹⁰ and in

¹ National Crime Prevention Council, *What is Cyberbullying?*, <http://www.ncpc.org/topics/cyberbullying/what-is-cyberbullying> (last visited Feb. 22, 2013).

² *Id.*

³ National Center for Education Statistics, *Indicators of School Crime and Safety: 2011*, at 44 and 48 (Feb. 2012), available at <http://nces.ed.gov/pubs2012/2012002.pdf>. Cyberbullying incidents reported by students included harassing emails, text messages, or instant messaging; internet posting of hurtful information; being excluded online; and being harassed while playing computer games.

Id.

⁴ *Id.*

⁵ Cyberbullying Research Center, *Bullying and Cyberbullying Laws Fact Sheet*, http://cyberbullying.us/Bullying_and_Cyberbullying_Laws.pdf (last visited Feb. 22, 2013).

⁶ See, e.g., Wired Safety, *Cyberbullying/Stalking & Harrassment*, <https://www.wiredsafety.org/subjects/cyberbullying.php> (last visited Feb. 22, 2013); see, e.g., Davis, Michelle. "Schools Tackle Legal Twists and Turns of Cyberbullying." Education Week (Feb. 4, 2011) <http://www.edweek.org/dd/articles/2011/02/09/02cyberbullying.h04.html>.

⁷ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 513-514 (1969).

⁸ *Tinker*, 393 U.S. at 513-514.

⁹ *Bethel School District v. Fraser*, 478 U.S. 675, 685 (1986).

school publications or other “expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school.”¹¹ Certain forms of speech, such as threats and fighting words, are not constitutionally protected at all.¹² The U.S. Supreme Court has not considered these matters in the cyberbullying context, i.e., student speech or expression occurring off campus, outside the scope of school district control, through internet or other electronic media.¹³ Numerous lower federal court cases have ruled on the issue; however, the holdings in these cases are mixed.¹⁴ This reflects the reluctance by many courts to extend the reach of public school authority into a child’s home and private actions.¹⁵

No Florida case has reached the merits on the validity of a public school disciplinary action involving cyberbullying; however, a Florida federal court analyzed the issue in denying a school principal qualified immunity against a student’s claim for attorney’s fees in litigation stemming from her suspension for cyberbullying. The student was suspended for creating a Facebook page criticizing a teacher and inviting students to post derogatory statements about the teacher. In denying the principal qualified immunity, the court held that the suspension was unconstitutional, as the Facebook page “was the opinion of a student about a teacher that was published off-campus; did not cause any disruption on-campus; and was not lewd, vulgar, threatening, or advocating illegal or dangerous behavior.”¹⁶ This bill clearly provides that cyberbullying, whether occurring on or off-campus, must result in a hostile environment for the victim at school or substantially disrupt the educational process or orderly operation of the school in order to be actionable.

The Jeffrey Johnston Stand Up for All Students Act

Legislation enacted in 2008 required each district school board to adopt a policy prohibiting bullying and harassment in district schools.¹⁷ Among other things, the law prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a computer, computer system, or computer network that is within the scope of a public K-12 educational institution.¹⁸

The terms “bullying” and “harassment” constitute the following behaviors:

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve:
 - Teasing;
 - Social exclusion;
 - Threat;
 - Intimidation;
 - Stalking;

¹⁰ *Morse v. Frederick*, 551 U.S. 393, 409-410 (2007).

¹¹ *Hazelwood School Dist. V. Kuhlmeier*, 484 U.S.260, 270-271 (1988)

¹² *Chaplinsky v. State of New Hampshire*, 315 U.S. 568, 573-547 (1942).

¹³ See, e.g., *Tinker*, 393 U.S. at 513-514 (Student speech in school); see, e.g., *Morse*, 551 U.S. at 399-401 (Student speech at off-campus school-sponsored events). In *Morse v. Frederick*, the court held that public school authority to regulate student speech and expression extended to school-sponsored off-campus events. In so holding, the court reasoned that such regulation was permissible because the school district’s rules regarding student conduct expressly stated their application to student conduct at school-sponsored off campus events, the event occurred during normal school hours, and teachers and administrators were charged with supervising students attending the event. *Id.* at 400-401.

¹⁴ Compare *Layshock v. Hermitage School District*, 650 F.3d 205 (3rd Cir. 2011)(holding that student’s off-campus internet conduct was protected speech.) with *Doninger v. Niehoff*, 642 F.3d 334 (2d Cir. 2011)(holding that student’s off-campus internet conduct was not protected speech.)

¹⁵ See, e.g., *Layshock*, 593 F.3d at 260.

¹⁶ *Evans v. Bayer*, 684 F.Supp.2d 1365, 1374 (S.D. Fla. 2010).

¹⁷ Chapter 2008-123, L.O.F.

¹⁸ Section 1006.147(2), F.S.

- Physical violence;
 - Theft;
 - Sexual, religious, or racial harassment;
 - Public humiliation; or
 - Destruction of property.¹⁹
- **Harassment:** Threatening, insulting, or dehumanizing gestures, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.²⁰

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which reporting is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct substantially similar to bullying or harassment.²¹

The law does not specifically define and address cyberbullying; however, it does specify that conduct falling within the statutory definitions for computer crimes²² and cyberstalking²³ are within the scope of school district bullying policies.²⁴ Furthermore, a person charged with a disciplinary action under a school district's bullying policy or other prosecution may not raise the "physical location" or "time of access" of a computer-related incident as a defense to the charges.²⁵

Effect of Proposed Changes

The bill amends the scope of the definition of bullying to include cyberbullying and adds as behaviors that constitute bullying "private humiliation" and "emotional pain or discomfort."

The bill adds provisions defining "cyberbullying" as bullying through:

- The use of technology or any electronic communication, which includes, without limitation the transmission of signs, signals, writing, images, sounds, data, or intelligence of any nature by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, electronic mail, internet communications, instant messages, or facsimile communications.
- The creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages.
- The distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that is accessible to others.

¹⁹ Section 1006.147(3)(a), F.S.

²⁰ Section 1006.147(3)(b), F.S.

²¹ Section 1006.147(3)(d), F.S.

²² Section 815.03, F.S., defines terms used to proscribe computer-related crimes. It defines the terms "access," "computer," "computer network," "computer software," "computer system," and "data," as they apply to the bullying law.

²³ Section 784.048(1)(d), F.S., defines "cyberstalk" as engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose."

²⁴ Section 1006.147(3)(c), F.S.

²⁵ Section 1006.147(7)(a), F.S.

The bill adds provisions defining "within the scope of a public K-12 educational institution" as any computer or computer system or network that is physically located on school property or at school-related or school-sponsored programs or activities, regardless of ownership.

The bill expands the scope of school district bullying policies to include computer-related bullying occurring outside the scope of a public K-12 educational institution and bullying using technology or electronic devices not owned, leased, or used by a public school or school district. Such conduct is actionable if it:

- Creates a hostile environment at school for the victim;
- Infringes on the rights of the victim at school; or
- Materially or substantially disrupts the education process or the orderly operation of a school.

The bill specifies that such provisions may not be construed to require a public school to staff any nonschool-related activity, function, or program. School district officials investigating computer-related bullying must use a computer in which web-filtering software is not installed.

Current law requires school district bullying policies to include, among other things, procedures for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment. The bill adds that such procedures must include instruction regarding recognizing behaviors leading to bullying and harassment and appropriate preventive measures.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.147, F.S., relating to bullying and harassment; authorizes regulation of bullying occurring outside the scope of a public K-12 educational institution through internet or other electronic media if such conduct has certain impacts on the student or school; revises the definition of bullying to include "cyberbullying;" defines the terms "cyberbullying" and "within the scope of a public K-12 educational institution;" and specifies procedures for bullying-related investigations and instruction.

Section 2. Provides that the bill takes effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Line 46: The bill expands the scope of school district bullying policies to include bullying conduct occurring off-campus, outside the scope of school district control, through internet or other electronic media. Such conduct is actionable if, among other things, the conduct "infringes on the rights of the victim at school." The term "rights" is broad and vague, leaving public school officials little guidance regarding what rights infringements are actionable under bullying policies. The sponsor has filed an amendment to revise this provision.

Line 64: The bill adds "emotional pain or discomfort" to the list of actions that constitute bullying. Emotional pain or discomfort are impacts and not actions. Furthermore, the existing definition of bullying already speaks to actions that cause "psychological distress," which would include "emotional pain or discomfort." The sponsor has filed an amendment to remove this provision.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.