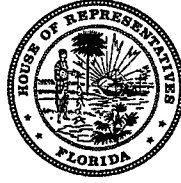




PreK-12 Appropriations Committee

Tuesday, March 24, 2009
3:00 p.m. – 5:00 p.m.
404 House Office Building

Meeting Packet



The Florida House of Representatives

PreK-12 Appropriations Committee

Larry Cretul
Speaker

Anitere Flores
Chair

Meeting Agenda

Tuesday, March 24, 2009
3:00 p.m. to 5:00 p.m.
404 House Office Building

I. Call to Order

II. Roll Call

III. Consideration of the following:

- **CS/HB 1293 relating to High School Graduation by PreK-12 Policy Committee, Rep. Fresen**
- **CS/HB 1377 relating to Supplemental Educational Services by PreK-12 Policy Committee, Rep. Dorworth**

IV. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1293 High School Graduation
SPONSOR(S): PreK-12 Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Policy Committee	7 Y, 4 N, As CS	Duncan	Ahearn
1)	PreK-12 Appropriations Committee		Clark <i>bc</i>	Heflin <i>Act</i>
2)	Full Appropriations Council on Education & Economic Development			
3)				
4)				
5)				

SUMMARY ANALYSIS

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT) to graduate from high school and receive a standard diploma. Four of the required credits students must earn are in mathematics: one credit in Algebra I, the equivalent, or a higher level mathematics course. In science, students are required to earn three credits, two of which must have a laboratory component.

This Committee Substitute (CS) for HB 1293 modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses that must be taken, as follows:

Beginning with students entering the 9th grade in the 2010-2011 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the State Board of Education (SBE); and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component.

Beginning with students entering the 9th grade in the 2012-2013 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component.

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.

The CS raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency.

The CS also creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by the Department of Education (DOE). The DOE is granted rulemaking authority to implement the program.

See the FISCAL COMMENTS section of this analysis.

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

STORAGE NAME: h1293b.PAC.doc
 DATE: 3/20/2009

HOUSE PRINCIPLES

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

High School Graduation Requirements

According to information received from the American Diploma Project (ADP), 55% of all students entering Florida's public postsecondary institutions require remediation in math, reading, and/or writing. In 2005-2006 the total cost of postsecondary remediation was \$129.8 million – and the state paid more than half of these costs (\$70 million). Also employers estimate that 45% of recent high school graduates lack skills to advance.¹

To cover the content necessary to be college and work ready, students need to complete a rigorous sequence of courses, which, according to ADP, includes 4 courses in mathematics covering Algebra I and II, geometry, and a fourth course such as statistics or precalculus. Florida does not currently meet these graduation requirements.

In addition, studies show that low-achieving students fail less often in rigorous courses;² that if high schools had demanded more, graduates would have worked harder;³ and that a majority of graduates would have taken harder courses.⁴ Finally, research indicates that taking Algebra II is critical for both college and work.⁵

Current Law

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT)⁶ to graduate from high school and receive a standard diploma. Of the 24 credits, four of the credits are in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II. Three

¹ Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

² Cooney, Sondra and Gene Bottoms, Southern Regional Education Board, *Middle Grades to High School: Mending a Weak Link*, 2002, at 9.

³ Peter D. Hart Research Associates/Public Opinion Strategies, *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* Prepared for Achieve, Inc., 2005.

⁴ *Id.*

⁵ *Id.*; see also, *Achieve Report: Out of Many, One: Toward Rigorous Common Core Standards from the Ground Up*, July 2008, at 4.

⁶ s. 1003.428(4)(b), F.S., and s. 1008.22(3)(c), F.S.

credits must be in science, two of which must have a laboratory component. However, no specific science courses are identified.⁷

Mathematics Courses

There are several options available for students to meet the mathematics credit requirements. Courses equivalent to Algebra I include Algebra Ia and Ib and pre-Advanced International Certificate of Education (AICE) Math I. In addition, there are a series of integrated mathematics courses (Integrated Math I, II, and III) that incorporate Algebra I and II and geometry into a 3-year sequence of courses. Algebra I, geometry, and Algebra II all have equivalent honors level courses.⁸

Science Courses

There are also several options available for students to meet the science credit requirements. Physical sciences include any chemistry, physics, or physical science course and the equivalent honors level, AICE, or International Baccalaureate (IB) courses. In addition, there is a series of integrated science courses (Science I, II, and III) that incorporate biology, chemistry, and earth science into a 3-year sequence of courses. Higher level science courses include any Advanced Placement (AP), IB, or AICE level courses in science or the second year of chemistry, physics, or biology.⁹

Effect of Proposed Changes

The Committee Substitute (CS) modifies the high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively. The CS provides the following schedule and specific courses:

Beginning with students entering the 9th grade in the 2010-2011 School Year

- In mathematics, one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component which is a current requirement.

Beginning with students entering the 9th grade in the 2012-2013 School Year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I as approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component which is a current requirement.

⁷ s. 1003.428(2)(a), F.S.

⁸ Information provided by staff at the Department of Education, Bureau of Curriculum and Instruction, March 9, 2009. See <https://www.osfaffelp.org/bfiehs/fnbpas04.aspx?curyr4=2009>, Florida Bright Futures Scholarship Program, Florida Department of Education, Office of Student Financial Assistance, Special Course Equivalencies.

⁹ *Id.*

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options¹⁰ must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.¹¹

Grade 10 Florida Comprehensive Assessment Test (FCAT)

Current Law

In addition to earning credits in the required high school courses, students must also pass the reading and mathematics portions of the Grade 10 FCAT or attain concordant scores on either the SAT or American College Test (ACT) tests.¹² A student must take each subject area of the Grade 10 FCAT a total of three times without earning a passing score in order to use concordant scores from the SAT or ACT. A new student entering the Florida public school system in the 12th grade may use a concordant score without taking the FCAT.¹³

FCAT Achievement Levels are based on both scale scores and developmental scale scores¹⁴ and range from Level 1 (lowest) to Level 5 (highest).¹⁵ The passing scores for the Grade 10 FCAT reading and mathematics and retake tests are determined by the State Board of Education (SBE). For FCAT reading, the passing score is a Developmental Scale Score (DSS) of 1926 (scale score of 300) or above and is within the Level 2 FCAT Achievement Level. For FCAT mathematics, the passing score is a Developmental Scale Score of 1889 (scale score of 300) or above, which is also within the Level 2 FCAT Achievement Level.¹⁶

Effect of Proposed Changes

The CS provides that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. This requirement in effect raises the required passing score from a DSS within the Level 2 FCAT Achievement Level to a DSS within the Level 3 FCAT Achievement Level. Initially, there may be an increase in the number of students that would not pass the Grade 10 FCAT causing an increase in the demand for remedial classes and an increase in the number of students required to retake the FCAT in order to meet high school graduation requirements.

Alternative Diplomas

Current Law

High School Equivalency Diploma

The SBE is required to adopt rules that prescribe performance standards and provide comprehensive examinations to be administered to candidates for high school equivalency diplomas.¹⁷ Each district school board must offer and administer the high school equivalency diploma examinations to all candidates. The DOE is authorized to award high school equivalency diplomas to candidates who:

¹⁰ s. 1003.429(1)(b) and (c), F.S.

¹¹ The Florida Virtual School offers over 85 middle and high school courses, from general to honors courses, and 11 Advanced Placement classes. In addition, courses in foreign language, physical education, health, business, computer science, and FCAT and SAT prep are also offered by the virtual school. See http://www.floridaschoolchoice.org/Information/virtual_schools/faqs.asp

¹² <http://www.fcat.fldoe.org/pdf/fcatpass.pdf> Florida Department of Education, FCAT Graduation Requirements, January 2009.

¹³ s. 1008.22(10), F.S.

¹⁴ Scale scores are reported for all FCAT Sunshine State Standards (SSS) subjects, except FCAT Writing, and range from 100 (lowest) to 500 (highest). Developmental Scale Scores (DSS) are only reported for FCAT SSS Reading and Mathematics and range from 0 to 3000 across grades 3 through 10. DSS link two years of student FCAT data that track student progress over time. Students should receive higher scores as they move from grade to grade according to their increased achievement. See

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

¹⁵ <http://www.fcat.fldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

¹⁶ *Id.*

¹⁷ s. 1003.435, F.S.

have attained on each of the 5 General Education Development (GED) Tests¹⁸ a minimum score of 410 or above on a scale of 0 to 800, with an average score of 450; and meet the standards specified by the SBE.¹⁹

Effect of Proposed Changes

Graduation Exit Option Program

The CS creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, are enrolled in high school courses that meet high school graduation requirements, are at risk of failing to graduate, and meet criteria developed by the DOE. The criteria developed by the DOE must ensure that the program is not used as a means for early graduation for students who have the ability to pass the Grade 10 FCAT. Additional student eligibility requirements are that: the student must meet minimum reading levels and minimum scores on GED practice tests; earn passing scores on the reading and math portions of the FCAT, or scores on a standardized test that are concordant with passing scores on the FCAT; and pass each of the five sections of the GED Test.

Students receiving an alternative diploma cannot be counted when calculating graduation rates. The DOE is required to design the alternative diploma to distinguish it from the standard diploma. The DOE is also granted rulemaking authority to implement the program.

The CS moves existing sections of law relating to the accommodations required for students with disabilities and the award of diplomas for certain veterans to separate sections for organizational purposes.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.428, F.S., relating to the revised general requirements for high school graduation; providing additional requirements in mathematics and science for students entering 9th grade in the 2010-2011 and 2012-2013 school years; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses; and moving provisions relating to testing accommodations for students with disabilities and awarding standard high school diplomas to certain honorably discharged veterans to a newly created section of law for organizational purposes.

Section 2: Creates s. 1003.4282, F.S., relating to accommodations for students with disabilities; graduation requirements; locating existing law relating to testing accommodations for students with disabilities into one section of law for organizational purposes.

Section 3: Creates s. 1003.4286, F.S., creating the Graduation Exit Option Program; authorizing the award of an alternative diploma for eligible high school students; establishing the requirements for eligibility; and granting rulemaking authority to the State Board of Education.

Section 4: Creates s. 1003.4287, F.S., relating to recognition of veterans; high school diploma; locating existing provisions awarding standard high school diplomas to certain honorably discharged veterans under the revised standard diploma and the general requirements for graduation into one section of law for organizational purposes.

Section 5: Amends s. 1003.429, F.S., relating to accelerated high school graduation requirements; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses.

Section 6: Amends s. 1003.43, F.S., relating to general requirements for high school graduation; moving existing provisions relating to testing accommodations for students with disabilities and

¹⁸ The 5 GED Tests are in Social Studies, Science, Reading, Mathematics, and Writing Skills. See Rule 6A-6.021(3), F.A.C.

¹⁹ Rule 6A-6.021, F.A.C.

awarding standard high school diplomas to certain honorably discharged veterans to newly created sections of law for organizational purposes.

Section 7: Amends s. 1007.263, F.S., relating to community colleges; admissions of students; correcting a cross-reference.

Section 8: Amends s. 1008.22, F.S., relating to student assessment program for public schools; providing that, at a minimum, passing scores for the grade 10 FCAT must meet grade-level proficiency.

Section 9: Amends s. 1009.531, F.S., relating to Florida Bright Futures Scholarship program; clarifying that in order to be eligible for the Florida Bright Futures Scholarship Program a student must earn a standard diploma under the revised general requirements for high school graduation.

Section 10: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

In 2008, of the 63,790 grade 10 students failing to pass the Grade 10 FCAT on the first attempt, 37,156 did not pass FCAT Reading, 2,590 did not pass FCAT Mathematics, and 24,044 did not pass both. If the passing score were to be raised to proficiency (Level 3), 111,868 would have failed to pass on the first attempt; 57,294 would have failed FCAT Reading, 3,790 would have failed FCAT Mathematics, and 50,784 would have failed both. The cost for the summer retake was \$1,089,935. This was based on processing 110,940 test books (reading and mathematics combined), which costs approximately \$10 per book. Raising the passing score to proficiency, could require approximately 75,000 "books" in the fall of 2011 and approximately 37,000 "books" in the spring of 2012, at \$10 per book.²⁰

More rigorous high school course requirements for graduation would likely ultimately result in fewer Grade 10 FCAT failures in Mathematics, but this potential result would take time based on the schedule set in the CS for implementing the more rigorous course requirements.

²⁰ E-mail from Department of Education, Retakes for On-Grade Level Passing, March 19, 2009.

For the 2007-2008 school year, the College Preparatory Cost per FTE was \$4,967. Of the students that graduated from high school in 2007, over 36% needed remediation in at least one subject. Students that do not need remedial courses are more likely to access more college courses and move through the postsecondary education pipeline.²¹ For the 2005-2006 school year, the total cost of postsecondary remediation was \$129.8 million, of which the state paid \$70 million.²² More rigorous course and testing requirements should have a positive but indeterminate fiscal impact on remediation costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Education is granted rulemaking authority to implement the Graduation Exit Option Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 18, 2009, the PreK-12 Policy Committee reported the Proposed Committee Substitute favorably. The differences between the CS and the House Bill are as follows:

- HB 1293 created core diploma graduation requirements beginning with students entering their first year of high school in the 2010-2011 school year. The CS does not establish core diploma graduation requirements.
- HB 1293 created college preparatory and career preparatory diploma graduation requirements beginning with students entering their first year of high school in the 2010-2011 school year. The CS does not establish college preparatory and career preparatory diploma graduation requirements.
- The CS modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively. The requirements are applicable beginning with students entering the 9th grade in the 2010-2011 school year and students entering the 9th grade in the 2012-2013 school year.
- HB 1293 required, by the 2010-2011 school year, each public high school in the state to offer at least four Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment courses, one each in English, mathematics, science, and social studies. The CS provides that student choosing the 24-credit or the accelerated 18-credit

²¹ E-mail from Department of Education, 2007-2008 College Preparatory Cost Fee, March 19, 2009.

²² Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

college or career preparatory graduation options must be advised of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available, as well as the availability of courses through the Florida Virtual School.

- HB 1293 relocated the provisions in current law relating to high school graduation requirements and minors, majors, performing arts, and physical education. The CS does not relocate these provisions.
- HB 1293 relocated the provisions in current law relating to policies designed to assist students in meeting the high school graduation requirements, including but not limited to, grade forgiveness policies and summer school. The CS does not relocate these provisions.
- HB 1293 established additional academic requirements under the Florida Academic Scholars, Florida Medallion, and the Florida Gold Seal Vocational Awards of the Florida Bright Futures Scholarship Program. The CS does not establish these requirements.

1 A bill to be entitled
 2 An act relating to high school graduation; amending s.
 3 1003.428, F.S.; requiring that students be advised of the
 4 availability of certain courses for purposes of high
 5 school graduation; providing credit requirements for high
 6 school graduation with a standard diploma beginning with
 7 students entering grade 9 in the 2010-2011 school year and
 8 students entering grade 9 in the 2012-2013 school year;
 9 deleting provisions relating to general requirements for
 10 high school graduation to conform to changes made by the
 11 act; creating s. 1003.4282, F.S.; providing for
 12 accommodations for students with disabilities for purposes
 13 of high school graduation; creating s. 1003.4286, F.S.;
 14 creating the Graduation Exit Option Program under which a
 15 high school student shall be awarded an alternative
 16 diploma; providing requirements for participation in the
 17 program and receipt of a diploma; providing Department of
 18 Education duties and requiring State Board of Education
 19 rules; creating s. 1003.4287, F.S.; authorizing the award
 20 of a standard high school diploma to certain honorably
 21 discharged veterans; amending s. 1003.429, F.S.; requiring
 22 that students be advised of the availability of certain
 23 courses for purposes of an accelerated high school
 24 graduation option; amending s. 1003.43, F.S.; deleting
 25 provisions relating to general requirements for high
 26 school graduation to conform to changes made by the act;
 27 amending s. 1007.263, F.S.; conforming a cross-reference;
 28 amending s. 1008.22, F.S.; requiring passing scores on the

29 grade 10 FCAT to meet grade-level proficiency; conforming
 30 cross-references; amending s. 1009.531, F.S.; conforming
 31 provisions; providing an effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Subsection (1), paragraph (a) of subsection
 36 (2), and subsections (5) through (11) of section 1003.428,
 37 Florida Statutes, are amended to read:

38 1003.428 General requirements for high school graduation;
 39 revised.--

40 (1) Except as otherwise authorized pursuant to s.
 41 1003.429, beginning with students entering their first year of
 42 high school in the 2007-2008 school year, graduation requires
 43 the successful completion of a minimum of 24 credits, an
 44 International Baccalaureate curriculum, or an Advanced
 45 International Certificate of Education curriculum. Students must
 46 be advised of the Advanced Placement, International
 47 Baccalaureate, Advanced International Certificate of Education,
 48 and dual enrollment courses available, as well as the
 49 availability of course offerings through the Florida Virtual
 50 School. Students must also be advised of eligibility
 51 requirements for state scholarship programs and postsecondary
 52 admissions.

53 (2) The 24 credits may be earned through applied,
 54 integrated, and combined courses approved by the Department of
 55 Education and shall be distributed as follows:

56 (a) Sixteen core curriculum credits:

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

59 2. Four credits in mathematics, one of which must be
60 Algebra I, a series of courses equivalent to Algebra I, or a
61 higher-level mathematics course. Beginning with students
62 entering grade 9 in the 2010-2011 school year, one of the four
63 credits must be Algebra I or a series of courses equivalent to
64 Algebra I as approved by the State Board of Education, and one
65 credit must be geometry or a series of courses equivalent to
66 geometry as approved by the State Board of Education. Beginning
67 with students entering grade 9 in the 2012-2013 school year, one
68 of the four credits must be Algebra I or a series of courses
69 equivalent to Algebra I as approved by the State Board of
70 Education, one credit must be geometry or a series of courses
71 equivalent to geometry as approved by the State Board of
72 Education, and one credit must be Algebra II or a series of
73 courses equivalent to Algebra II as approved by the State Board
74 of Education. School districts are encouraged to set specific
75 goals to increase enrollments in, and successful completion of,
76 geometry and Algebra II.

77 3. Three credits in science, two of which must have a
78 laboratory component. Beginning with students entering grade 9
79 in the 2010-2011 school year, one of the three credits must be
80 Biology I or a series of courses equivalent to Biology I as
81 approved by the State Board of Education, one credit must be a
82 physical science or a series of courses equivalent to a physical
83 science as approved by the State Board of Education, and one
84 credit must be a higher-level science course. At least two of

85 the science courses must have a laboratory component. Beginning
 86 with students entering grade 9 in the 2012-2013 school year, one
 87 of the three credits must be Biology I or a series of courses
 88 equivalent to Biology I as approved by the State Board of
 89 Education, one credit must be chemistry or a series of courses
 90 equivalent to chemistry as approved by the State Board of
 91 Education, and one credit must be a higher-level science course.
 92 At least two of the science courses must have a laboratory
 93 component.

94 4. Three credits in social studies as follows: one credit
 95 in American history; one credit in world history; one-half
 96 credit in economics; and one-half credit in American government.

97 5. One credit in fine or performing arts, speech and
 98 debate, or a practical arts course that incorporates artistic
 99 content and techniques of creativity, interpretation, and
 100 imagination. Eligible practical arts courses shall be identified
 101 through the Course Code Directory.

102 6. One credit in physical education to include integration
 103 of health. Participation in an interscholastic sport at the
 104 junior varsity or varsity level for two full seasons shall
 105 satisfy the one-credit requirement in physical education if the
 106 student passes a competency test on personal fitness with a
 107 score of "C" or better. The competency test on personal fitness
 108 must be developed by the Department of Education. A district
 109 school board may not require that the one credit in physical
 110 education be taken during the 9th grade year. Completion of one
 111 semester with a grade of "C" or better in a marching band class,
 112 in a physical activity class that requires participation in

113 marching band activities as an extracurricular activity, or in a
 114 dance class shall satisfy one-half credit in physical education
 115 or one-half credit in performing arts. This credit may not be
 116 used to satisfy the personal fitness requirement or the
 117 requirement for adaptive physical education under an individual
 118 education plan (IEP) or 504 plan. Completion of 2 years in a
 119 Reserve Officer Training Corps (R.O.T.C.) class, a significant
 120 component of which is drills, shall satisfy the one-credit
 121 requirement in physical education and the one-credit requirement
 122 in performing arts. This credit may not be used to satisfy the
 123 personal fitness requirement or the requirement for adaptive
 124 physical education under an individual education plan (IEP) or
 125 504 plan.

126 ~~(5) The State Board of Education, after a public hearing~~
 127 ~~and consideration, shall adopt rules based upon the~~
 128 ~~recommendations of the commissioner for the provision of test~~
 129 ~~accommodations and modifications of procedures as necessary for~~
 130 ~~students with disabilities which will demonstrate the student's~~
 131 ~~abilities rather than reflect the student's impaired sensory,~~
 132 ~~manual, speaking, or psychological process skills.~~

133 ~~(6) The public hearing and consideration required in~~
 134 ~~subsection (5) shall not be construed to amend or nullify the~~
 135 ~~requirements of security relating to the contents of~~
 136 ~~examinations or assessment instruments and related materials or~~
 137 ~~data as prescribed in s. 1008.23.~~

138 (5)~~(7)~~(a) A student who meets all requirements prescribed
 139 in subsections (1), (2), (3), and (4) shall be awarded a

140 standard diploma in a form prescribed by the State Board of
 141 Education.

142 (b) A student who completes the minimum number of credits
 143 and other requirements prescribed by subsections (1), (2), and
 144 (3), but who is unable to meet the standards of paragraph
 145 (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded
 146 a certificate of completion in a form prescribed by the State
 147 Board of Education. However, any student who is otherwise
 148 entitled to a certificate of completion may elect to remain in
 149 the secondary school either as a full-time student or a part-
 150 time student for up to 1 additional year and receive special
 151 instruction designed to remedy his or her identified
 152 deficiencies.

153 ~~(8)(a) Each district school board must provide instruction~~
 154 ~~to prepare students with disabilities to demonstrate proficiency~~
 155 ~~in the core content knowledge and skills necessary for~~
 156 ~~successful grade-to-grade progression and high school~~
 157 ~~graduation.~~

158 ~~(b) A student with a disability, as defined in s.~~
 159 ~~1007.02(2), for whom the individual education plan (IEP)~~
 160 ~~committee determines that the FCAT cannot accurately measure the~~
 161 ~~student's abilities taking into consideration all allowable~~
 162 ~~accommodations, shall have the FCAT requirement of paragraph~~
 163 ~~(4)(b) waived for the purpose of receiving a standard high~~
 164 ~~school diploma, if the student:~~

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

167 ~~2. Does not meet the requirements of paragraph (4) (b)~~
 168 ~~after one opportunity in 10th grade and one opportunity in 11th~~
 169 ~~grade.~~

170 ~~(9) The Commissioner of Education may award a standard~~
 171 ~~high school diploma to honorably discharged veterans who started~~
 172 ~~high school between 1937 and 1946 and were scheduled to graduate~~
 173 ~~between 1941 and 1950 but were inducted into the United States~~
 174 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
 175 ~~prior to completing the necessary high school graduation~~
 176 ~~requirements. Upon the recommendation of the commissioner, the~~
 177 ~~State Board of Education may develop criteria and guidelines for~~
 178 ~~awarding such diplomas.~~

179 ~~(10) The Commissioner of Education may award a standard~~
 180 ~~high school diploma to honorably discharged veterans who started~~
 181 ~~high school between 1946 and 1950 and were scheduled to graduate~~
 182 ~~between 1950 and 1954, but were inducted into the United States~~
 183 ~~Armed Forces between June 27, 1950, and January 31, 1955, and~~
 184 ~~served during the Korean Conflict prior to completing the~~
 185 ~~necessary high school graduation requirements. Upon the~~
 186 ~~recommendation of the commissioner, the State Board of Education~~
 187 ~~may develop criteria and guidelines for awarding such diplomas.~~

188 (6)~~(11)~~ The State Board of Education may adopt rules
 189 pursuant to ss. 120.536(1) and 120.54 to implement the
 190 provisions of this section and may enforce the provisions of
 191 this section pursuant to s. 1008.32.

192 Section 2. Section 1003.4282, Florida Statutes, is created
 193 to read:

194 1003.4282 Accommodations for students with disabilities;
 195 graduation requirements.--For purposes of high school
 196 graduation:

197 (1) The State Board of Education, after a public hearing
 198 and consideration, shall adopt rules based upon the
 199 recommendations of the Commissioner of Education for the
 200 provision of test accommodations as necessary for students with
 201 disabilities which will demonstrate the student's abilities
 202 rather than reflect the student's impaired sensory, manual,
 203 speaking, or psychological process skills.

204 (2) The public hearing and consideration required in
 205 subsection (1) shall not be construed to amend or nullify the
 206 requirements of security relating to the contents of
 207 examinations or assessment instruments and related materials or
 208 data as prescribed in s. 1008.23.

209 (3) (a) Each district school board must provide instruction
 210 to prepare students with disabilities to demonstrate proficiency
 211 in the core content knowledge and skills necessary for
 212 successful grade-to-grade progression and high school
 213 graduation.

214 (b) A student with a disability, as defined in s.
 215 1007.02(2), for whom the individual education plan committee
 216 determines that the FCAT cannot accurately measure the student's
 217 abilities taking into consideration all allowable
 218 accommodations, shall have the FCAT requirement of s.
 219 1003.428(4)(b) or s. 1003.43(5)(a) waived for the purpose of
 220 receiving a high school diploma, if the student:

221 1. Completes the minimum number of credits and other
 222 requirements prescribed in s. 1003.428(1) - (3) or s. 1003.43(1)
 223 and (4).

224 2. Does not meet the FCAT requirements of s.
 225 1003.428(4)(b) or s. 1003.43(5)(a) after one opportunity in
 226 grade 10 and one opportunity in grade 11.

227 Section 3. Section 1003.4286, Florida Statutes, is created
 228 to read:

229 1003.4286 Graduation Exit Option Program; alternative
 230 diploma.--

231 (1) There is created the Graduation Exit Option Program
 232 under which a high school student shall be awarded an
 233 alternative diploma. To be eligible to participate in the
 234 program, a high school student must:

235 (a) Be at least 16 years old.

236 (b) Be enrolled in high school courses that meet high
 237 school graduation requirements.

238 (c) Be at risk of failing to graduate.

239 (d) Meet criteria developed by the Department of Education
 240 to ensure that the program is not used as a means for early
 241 graduation and to target students who have the ability to pass
 242 the grade 10 FCAT and the general educational development (GED)
 243 test.

244 (2) To receive an alternative diploma under the Graduation
 245 Exit Option Program, a high school student must:

246 (a) Meet minimum reading levels and earn minimum scores on
 247 GED practice tests, as established by the department.

248 (b) Earn passing scores on the reading and mathematics
 249 portions of the FCAT, as defined in s. 1008.22(3), or scores on
 250 a standardized test that are concordant with passing scores on
 251 the FCAT, as defined in s. 1008.22(10).

252 (c) Pass each of the five sections of the GED test.

253 (d) Earn at least 14 credits toward high school
 254 graduation, at least 8 of which are earned in English, reading,
 255 mathematics, science, or social studies.

256 (3) An alternative diploma awarded under this section may
 257 not be used for calculating graduation rates for any purpose.

258 (4) The department shall design the alternative diploma to
 259 distinguish the diploma from a standard diploma.

260 (5) The State Board of Education shall adopt rules
 261 pursuant to ss. 120.536(1) and 120.54 to implement this section.

262 Section 4. Section 1003.4287, Florida Statutes, is created
 263 to read:

264 1003.4287 Recognition of veterans; high school diploma.--

265 (1) The Commissioner of Education may award a standard
 266 high school diploma to honorably discharged veterans who started
 267 high school between 1937 and 1946 and were scheduled to graduate
 268 between 1941 and 1950 but were inducted into the United States
 269 Armed Forces between September 16, 1940, and December 31, 1946,
 270 prior to completing the necessary high school graduation
 271 requirements. Upon the recommendation of the commissioner, the
 272 State Board of Education may develop criteria and guidelines for
 273 awarding such diplomas.

274 (2) The Commissioner of Education may award a standard
 275 high school diploma to honorably discharged veterans who started

276 high school between 1946 and 1950 and were scheduled to graduate
 277 between 1949 and 1955 but were inducted into the United States
 278 Armed Forces between June 1949 and January 1955 and served
 279 during the Korean War prior to completing the necessary high
 280 school graduation requirements. Upon the recommendation of the
 281 commissioner, the State Board of Education may develop criteria
 282 and guidelines for awarding such diplomas.

283 Section 5. Paragraph (b) of subsection (1) of section
 284 1003.429, Florida Statutes, is amended to read:

285 1003.429 Accelerated high school graduation options.--

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

290 (b) Completion of a 3-year standard college preparatory
 291 program requiring successful completion of a minimum of 18
 292 academic credits in grades 9 through 12. At least 6 of the 18
 293 credits required for completion of this program must be received
 294 in classes that are offered pursuant to the International
 295 Baccalaureate Program, the Advanced Placement Program, dual
 296 enrollment, or the Advanced International Certificate of
 297 Education ~~Program~~, or specifically listed or identified by the
 298 Department of Education as rigorous pursuant to s. 1009.531(3).
 299 Students must be advised of the Advanced Placement,
 300 International Baccalaureate, Advanced International Certificate
 301 of Education, and dual enrollment courses available, as well as
 302 the availability of course offerings through the Florida Virtual
 303 School. The 18 credits required for completion of this program

304 shall be primary requirements and shall be distributed as
 305 follows:

306 1. Four credits in English, with major concentration in
 307 composition and literature;

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

311 3. Three credits in natural science, two of which must
 312 have a laboratory component;

313 4. Three credits in social sciences, which must include
 314 one credit in American history, one credit in world history,
 315 one-half credit in American government, and one-half credit in
 316 economics;

317 5. Two credits in the same second language unless the
 318 student is a native speaker of or can otherwise demonstrate
 319 competency in a language other than English. If the student
 320 demonstrates competency in another language, the student may
 321 replace the language requirement with two credits in other
 322 academic courses; and

323 6. Three credits in electives; or

324

325 Any student who selected an accelerated graduation program
 326 before July 1, 2004, may continue that program, and all
 327 statutory program requirements that were applicable when the
 328 student made the program choice shall remain applicable to the
 329 student as long as the student continues that program.

330 Section 6. Subsections (8) through (13) of section
 331 1003.43, Florida Statutes, are amended to read:

332 1003.43 General requirements for high school graduation. --

333 ~~(8) The State Board of Education, after a public hearing~~
 334 ~~and consideration, shall adopt rules based upon the~~
 335 ~~recommendations of the commissioner for the provision of test~~
 336 ~~accommodations and modifications of procedures as necessary for~~
 337 ~~students with disabilities which will demonstrate the student's~~
 338 ~~abilities rather than reflect the student's impaired sensory,~~
 339 ~~manual, speaking, or psychological process skills.~~

340 ~~(9) The public hearing and consideration required in~~
 341 ~~subsection (8) shall not be construed to amend or nullify the~~
 342 ~~requirements of security relating to the contents of~~
 343 ~~examinations or assessment instruments and related materials or~~
 344 ~~data as prescribed in s. 1008.23.~~

345 (8) ~~(10)~~ (a) A student who meets all requirements prescribed
 346 in subsections (1), (4), and (5) shall be awarded a standard
 347 diploma in a form prescribed by the State Board of Education. A
 348 district school board may attach the Florida gold seal career
 349 endorsement to a standard diploma or, instead of the standard
 350 diploma, award differentiated diplomas to those exceeding the
 351 prescribed minimums.

352 (b) A student who completes the minimum number of credits
 353 and other requirements prescribed by subsections (1) and (4),
 354 but who is unable to meet the standards of paragraph (5) (a),
 355 paragraph (5) (b), or paragraph (5) (c), shall be awarded a
 356 certificate of completion in a form prescribed by the State
 357 Board of Education. However, any student who is otherwise
 358 entitled to a certificate of completion may elect to remain in
 359 the secondary school either as a full-time student or a part-

360 time student for up to 1 additional year and receive special
 361 instruction designed to remedy his or her identified
 362 deficiencies.

363 ~~(11)(a) Each district school board must provide~~
 364 ~~instruction to prepare students with disabilities to demonstrate~~
 365 ~~proficiency in the core content knowledge and skills necessary~~
 366 ~~for successful grade-to-grade progression and high school~~
 367 ~~graduation.~~

368 ~~(b) A student with a disability, as defined in s.~~
 369 ~~1007.02(2), for whom the individual educational plan (IEP)~~
 370 ~~committee determines that the FCAT cannot accurately measure the~~
 371 ~~student's abilities taking into consideration all allowable~~
 372 ~~accommodations, shall have the FCAT requirement of paragraph~~
 373 ~~(5)(a) waived for the purpose of receiving a standard high~~
 374 ~~school diploma, if the student:~~

375 ~~1. Completes the minimum number of credits and other~~
 376 ~~requirements prescribed by subsections (1) and (4).~~

377 ~~2. Does not meet the requirements of paragraph (5)(a)~~
 378 ~~after one opportunity in 10th grade and one opportunity in 11th~~
 379 ~~grade.~~

380 ~~(12) The Commissioner of Education may award a standard~~
 381 ~~high school diploma to honorably discharged veterans who started~~
 382 ~~high school between 1937 and 1946 and were scheduled to graduate~~
 383 ~~between 1941 and 1950 but were inducted into the United States~~
 384 ~~Armed Forces between September 16, 1940, and December 31, 1946,~~
 385 ~~prior to completing the necessary high school graduation~~
 386 ~~requirements. Upon the recommendation of the commissioner, the~~

387 ~~State Board of Education may develop criteria and guidelines for~~
 388 ~~awarding such diplomas.~~

389 ~~(13) The Commissioner of Education may award a standard~~
 390 ~~high school diploma to honorably discharged veterans who started~~
 391 ~~high school between 1946 and 1950 and were scheduled to graduate~~
 392 ~~between 1949 and 1955, but were inducted into the United States~~
 393 ~~Armed Forces between June 1949 and January 1955, and served~~
 394 ~~during the Korean War prior to completing the necessary high~~
 395 ~~school graduation requirements. Upon the recommendation of the~~
 396 ~~commissioner, the State Board of Education may develop criteria~~
 397 ~~and guidelines for awarding such diplomas.~~

398 Section 7. Subsection (4) of section 1007.263, Florida
 399 Statutes, is amended to read:

400 1007.263 Community colleges; admissions of students.--Each
 401 community college board of trustees is authorized to adopt rules
 402 governing admissions of students subject to this section and
 403 rules of the State Board of Education. These rules shall include
 404 the following:

405 (4) A student who has been awarded a special diploma as
 406 defined in s. 1003.438 or a certificate of completion as defined
 407 in s. 1003.43(8)~~(10)~~ is eligible to enroll in certificate career
 408 education programs.

409
 410 Each board of trustees shall establish policies that notify
 411 students about, and place students into, adult basic education,
 412 adult secondary education, or other instructional programs that
 413 provide students with alternatives to traditional college -
 414 preparatory instruction, including private provider instruction.

415 A student is prohibited from enrolling in additional college-
 416 level courses until the student scores above the cut-score on
 417 all sections of the common placement test.

418 Section 8. Paragraph (c) of subsection (3) of section
 419 1008.22, Florida Statutes, is amended to read:

420 1008.22 Student assessment program for public schools.--

421 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 422 design and implement a statewide program of educational
 423 assessment that provides information for the improvement of the
 424 operation and management of the public schools, including
 425 schools operating for the purpose of providing educational
 426 services to youth in Department of Juvenile Justice programs.
 427 The commissioner may enter into contracts for the continued
 428 administration of the assessment, testing, and evaluation
 429 programs authorized and funded by the Legislature. Contracts may
 430 be initiated in 1 fiscal year and continue into the next and may
 431 be paid from the appropriations of either or both fiscal years.
 432 The commissioner is authorized to negotiate for the sale or
 433 lease of tests, scoring protocols, test scoring services, and
 434 related materials developed pursuant to law. Pursuant to the
 435 statewide assessment program, the commissioner shall:

436 (c) Develop and implement a student achievement testing
 437 program known as the Florida Comprehensive Assessment Test
 438 (FCAT) as part of the statewide assessment program to measure a
 439 student's content knowledge and skills in reading, writing,
 440 science, and mathematics. Other content areas may be included as
 441 directed by the commissioner. Comprehensive assessments of
 442 reading and mathematics shall be administered annually in grades

443 3 through 10. Comprehensive assessments of writing and science
 444 shall be administered at least once at the elementary, middle,
 445 and high school levels. End-of-course assessments for a subject
 446 may be administered in addition to the comprehensive assessments
 447 required for that subject under this paragraph. An end-of-course
 448 assessment must be rigorous, statewide, standardized, and
 449 developed or approved by the department. The content knowledge
 450 and skills assessed by comprehensive and end-of-course
 451 assessments must be aligned to the core curricular content
 452 established in the Sunshine State Standards. The commissioner
 453 may select one or more nationally developed comprehensive
 454 examinations, which may include, but need not be limited to,
 455 examinations for a College Board Advanced Placement course,
 456 International Baccalaureate course, or Advanced International
 457 Certificate of Education course or industry-approved
 458 examinations to earn national industry certifications as defined
 459 in s. 1003.492, for use as end-of-course assessments under this
 460 paragraph, if the commissioner determines that the content
 461 knowledge and skills assessed by the examinations meet or exceed
 462 the grade level expectations for the core curricular content
 463 established for the course in the Next Generation Sunshine State
 464 Standards. The commissioner may collaborate with the American
 465 Diploma Project in the adoption or development of rigorous end-
 466 of-course assessments that are aligned to the Next Generation
 467 Sunshine State Standards. The testing program must be designed
 468 as follows:

- 469 1. The tests shall measure student skills and competencies
 470 adopted by the State Board of Education as specified in

471 paragraph (a). The tests must measure and report student
 472 proficiency levels of all students assessed in reading, writing,
 473 mathematics, and science. The commissioner shall provide for the
 474 tests to be developed or obtained, as appropriate, through
 475 contracts and project agreements with private vendors, public
 476 vendors, public agencies, postsecondary educational
 477 institutions, or school districts. The commissioner shall obtain
 478 input with respect to the design and implementation of the
 479 testing program from state educators, assistive technology
 480 experts, and the public.

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

486 3. Beginning with the 2008-2009 school year, the
 487 commissioner shall discontinue administration of the selected-
 488 response test items on the comprehensive assessments of writing.
 489 Beginning with the 2012-2013 school year, the comprehensive
 490 assessments of writing shall be composed of a combination of
 491 selected-response test items, short-response performance tasks,
 492 and extended-response performance tasks, which shall measure a
 493 student's content knowledge of writing, including, but not
 494 limited to, paragraph and sentence structure, sentence
 495 construction, grammar and usage, punctuation, capitalization,
 496 spelling, parts of speech, verb tense, irregular verbs, subject -
 497 verb agreement, and noun-pronoun agreement.

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

502 5. Except as provided in s. 1003.4282 ~~1003.428(8)(b) or s.~~
 503 ~~1003.43(11)(b)~~, students must earn a passing score on the grade
 504 10 assessment test described in this paragraph or attain
 505 concordant scores as described in subsection (10) in reading,
 506 writing, and mathematics to qualify for a standard high school
 507 diploma. The State Board of Education shall designate a passing
 508 score for each part of the grade 10 assessment test. In
 509 establishing passing scores, the state board shall consider any
 510 possible negative impact of the test on minority students. The
 511 State Board of Education shall adopt rules which specify the
 512 passing scores for the grade 10 FCAT. Such passing scores must
 513 at a minimum meet grade-level proficiency. Any such rules, which
 514 have the effect of raising the required passing scores, shall
 515 apply only to students taking the grade 10 FCAT for the first
 516 time after such rules are adopted by the State Board of
 517 Education.

518 6. Participation in the testing program is mandatory for
 519 all students attending public school, including students served
 520 in Department of Juvenile Justice programs, except as otherwise
 521 prescribed by the commissioner. If a student does not
 522 participate in the statewide assessment, the district must
 523 notify the student's parent and provide the parent with
 524 information regarding the implications of such nonparticipation.
 525 A parent must provide signed consent for a student to receive

526 classroom instructional accommodations that would not be
 527 available or permitted on the statewide assessments and must
 528 acknowledge in writing that he or she understands the
 529 implications of such instructional accommodations. The State
 530 Board of Education shall adopt rules, based upon recommendations
 531 of the commissioner, for the provision of test accommodations
 532 for students in exceptional education programs and for students
 533 who have limited English proficiency. Accommodations that negate
 534 the validity of a statewide assessment are not allowable in the
 535 administration of the FCAT. However, instructional
 536 accommodations are allowable in the classroom if included in a
 537 student's individual education plan. Students using
 538 instructional accommodations in the classroom that are not
 539 allowable as accommodations on the FCAT may have the FCAT
 540 requirement waived pursuant to the requirements of s. 1003.4282
 541 ~~1003.428(8)(b) or s. 1003.43(11)(b)~~.

542 7. A student seeking an adult high school diploma must
 543 meet the same testing requirements that a regular high school
 544 student must meet.

545 8. District school boards must provide instruction to
 546 prepare students to demonstrate proficiency in the core
 547 curricular content established in the Next Generation Sunshine
 548 State Standards adopted under s. 1003.41, including the core
 549 content knowledge and skills necessary for successful grade-to-
 550 grade progression and high school graduation. If a student is
 551 provided with instructional accommodations in the classroom that
 552 are not allowable as accommodations in the statewide assessment
 553 program, as described in the test manuals, the district must

554 | inform the parent in writing and must provide the parent with
 555 | information regarding the impact on the student's ability to
 556 | meet expected proficiency levels in reading, writing, and
 557 | mathematics. The commissioner shall conduct studies as necessary
 558 | to verify that the required core curricular content is part of
 559 | the district instructional programs.

560 | 9. District school boards must provide opportunities for
 561 | students to demonstrate an acceptable level of performance on an
 562 | alternative standardized assessment approved by the State Board
 563 | of Education following enrollment in summer academies.

564 | 10. The Department of Education must develop, or select,
 565 | and implement a common battery of assessment tools that will be
 566 | used in all juvenile justice programs in the state. These tools
 567 | must accurately measure the core curricular content established
 568 | in the Sunshine State Standards.

569 | 11. For students seeking a special diploma pursuant to s.
 570 | 1003.438, the Department of Education must develop or select and
 571 | implement an alternate assessment tool that accurately measures
 572 | the core curricular content established in the Sunshine State
 573 | Standards for students with disabilities under s. 1003.438.

574 | 12. The Commissioner of Education shall establish
 575 | schedules for the administration of statewide assessments and
 576 | the reporting of student test results. The commissioner shall,
 577 | by August 1 of each year, notify each school district in writing
 578 | and publish on the department's Internet website the testing and
 579 | reporting schedules for, at a minimum, the school year following
 580 | the upcoming school year. The testing and reporting schedules
 581 | shall require that:

582 a. There is the latest possible administration of
 583 statewide assessments and the earliest possible reporting to the
 584 school districts of student test results which is feasible
 585 within available technology and specific appropriations;
 586 however, test results must be made available no later than the
 587 final day of the regular school year for students.

588 b. Beginning with the 2010-2011 school year, a
 589 comprehensive statewide assessment of writing is not
 590 administered earlier than the week of March 1 and a
 591 comprehensive statewide assessment of any other subject is not
 592 administered earlier than the week of April 15.

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

595
 596 The commissioner may, based on collaboration and input from
 597 school districts, design and implement student testing programs,
 598 for any grade level and subject area, necessary to effectively
 599 monitor educational achievement in the state, including the
 600 measurement of educational achievement of the Sunshine State
 601 Standards for students with disabilities. Development and
 602 refinement of assessments shall include universal design
 603 principles and accessibility standards that will prevent any
 604 unintended obstacles for students with disabilities while
 605 ensuring the validity and reliability of the test. These
 606 principles should be applicable to all technology platforms and
 607 assistive devices available for the assessments. The field
 608 testing process and psychometric analyses for the statewide
 609 assessment program must include an appropriate percentage of

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2009

610 students with disabilities and an evaluation or determination of
 611 the effect of test items on such students.

612 Section 9. Paragraph (b) of subsection (1) of section
 613 1009.531, Florida Statutes, is amended to read:

614 1009.531 Florida Bright Futures Scholarship Program;
 615 student eligibility requirements for initial awards.--

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

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

623 1. The student completes a home education program
 624 according to s. 1002.41; or

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

628 Section 10. This act shall take effect July 1, 2009.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1377

Supplemental Educational Services

SPONSOR(S): Dorworth

TIED BILLS:

IDEN./SIM. BILLS: SB 2538

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	11 Y, 0 N, As CS	Duncan	Ahearn
2)	PreK-12 Appropriations Committee		Clark <i>sc</i>	Heflin <i>Aett</i>
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

Under the provisions of the federal No Child Left Behind Act, low-income families can enroll their child in supplemental educational services if their child attends a Title I school that has been designated by the state to be in need of improvement for more than one year. The term "supplemental educational services" (SES) refers to free extra academic help, such as tutoring or remedial help, that is provided to students in subjects such as reading, language arts, and math.

Current state law requires the Department of Education (DOE) to assign a grade of "A," "B," "C," "D," or "F" to each state-approved SES provider based on a combination of learning gains and student proficiency levels as measured by the statewide assessment test. The Committee Substitute (CS) for HB 1377 requires the DOE to assign a service designation to each state-approved SES provider, rather than a grade; i.e., excellent, satisfactory, or unsatisfactory for the prior school year. A service designation cannot be assigned to a state-approved SES provider if the student population served by the SES provider does not meet the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student information.

The State Board of Education must specify, in rule, the threshold requirements for assigning the service designations. By July 1 of each year, the DOE must report the service designations to the SES providers, school districts, parents, and the public.

The CS also requires school districts to, by May 1 of each year, provide the following information to the DOE:

- Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.
- Student attendance and completion data provided to the district by each SES provider.
- Parent satisfaction survey results.
- School district satisfaction survey results.
- Principal satisfaction survey results.

The CS requires the State Board of Education to adopt rules, including an internal complaint procedure to resolve disputes regarding the SES state approval process, termination of state approval, and assignment of a service designation.

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet these requirements.

See FISCAL COMMENTS section of this analysis.

HOUSE PRINCIPLES

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

No Child Left Behind Act (NCLB)

Federal law sets forth specific testing requirements for public school students. Testing that is performed pursuant to federal law is used to measure whether states and schools are making "adequate yearly progress" (AYP) toward state student proficiency goals under the federal Title I requirements. The definition of AYP is established by the state's educational agency within the parameters of NCLB's requirements. The determination of AYP must be based on academic assessments.¹ In Florida, the Department of Education (DOE) sets the standards for AYP of all public elementary and secondary schools, local educational agencies, and of the state itself.

A school that fails to make AYP for two consecutive years is designated as "in need of improvement" and must develop a school improvement plan and provide students with the option of transferring to another school that is not "in need of improvement." The following table outlines the consequences for Title I schools that fail to make AYP over a period of years:

Year	Consequences
Year 1 Not Making AYP	No consequences.
Year 2 Not Making AYP	Must offer all students choice with transportation.
Year 3 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students.
Year 4 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students and implement corrective action.
Year 5 Not Making AYP	Must offer choice with transportation and state-approved supplemental educational services to eligible students and plan for restructuring.

¹ 20 U.S.C. s. 6311(b)(2).

² <http://www.fl DOE.org/faq/default.asp?ALL=Y&Dept=307&ID=831>, Florida Department of Education, Bureau of Student Assistance.

Supplemental Education Services (SES)

Low-income families can enroll their child in supplemental educational services if their child attends a Title I school that has been designated by the state to be in need of improvement for more than one year. The term "supplemental educational services" refers to free extra academic help, such as tutoring or remedial help, that is provided to students in subjects such as reading, language arts, and math. This extra help can be provided before or after school, on weekends, or in the summer.³

Each state education agency is required to identify organizations that qualify to provide these services. Districts must make a list available to parents of state-approved SES providers in the area and must let parents choose the provider that will best meet the educational needs of the child. Providers of SES may include nonprofit entities, for-profit entities, local educational agencies, public schools, public charter schools, private schools, public or private institutions of higher education, and faith-based organizations.⁴

Within the last two years, the Government Accountability Office (GAO) conducted two reviews of the supplemental education services program and reported the following:

- Nationally, the SES participation increased substantially from 12 percent of eligible students receiving services in school year 2003-2004 to 19 percent in 2004-2005.
- District actions to increase participation have included greater efforts to notify parents. However, timely and effective notification of parents remains a challenge, as does attracting providers to serve certain areas and students, such as rural districts and students with disabilities.
- While states' monitoring of district and provider efforts to implement the program had been limited in past years, more states reported conducting on-site reviews and other monitoring activities during 2005-2006.
- Districts also increased their oversight role.
- Many states continue to struggle with how to evaluate whether providers are improving student achievement.
- While a few states have completed evaluations, none provides a conclusive assessment of SES providers' effect on student academic achievement.⁵

The report recommended that the U.S. Department of Education clarify guidance and provide information on promising practices, consider expanding flexibility and clarifying state authority, collect information on district SES expenditures, and provide evaluation assistance. Since the GAO's report was published, the U.S. Department of Education has taken several actions to improve SES implementation and monitoring, such as disseminating practices and guidance, and meeting with states, districts, and providers.⁶

The Department of Education's responsibilities in providing SES include, but are not limited to, the following:

- Identify schools that must offer SES.
- Request and review provider applications.

³ <http://www.ed.gov/nclb/choice/help/ses/description.html>, U.S. Department of Education, Description of Educational Services (Last visited March 13, 2009).

⁴ *Id.*

⁵ <http://www.gao.gov/products/GAO-07-738T>, U.S. Government Accountability Office, No Child Left Behind Education Actions May Help Improve Implementation and Evaluation of Supplemental Educational Services, Report GAO-07-738T, April 18, 2007.

⁶ *Id.*

- Maintain list of approved providers.
- Monitor provider performance and report results.⁷

A list of approved providers is available online and includes information on the type of instruction available, the cost of services, grade levels served, and location of services.⁸ The DOE also maintains an online list of schools in need of improvement whose students would be eligible for these services.⁹

A state-approved SES provider can be removed from the approved list for one or more of the following reasons:

- Failure to deliver services.
- Failure to contribute to increasing the academic proficiency of students for two consecutive years.
- When the DOE determines that the matter is of such a magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility application requirements, and the failure to comply with the requirements for providers.¹⁰

In 2008, the Legislature required the DOE to assign a grade of "A," "B," "C," "D," or "F" to each state-approved SES provider based on a combination of learning gains and student proficiency levels as measured by the statewide assessment and norm-referenced tests approved by the DOE for students in kindergarten through grade 3.¹¹

This requirement has not been implemented for at least two reasons. First, the Florida Comprehensive Assessment Test (FCAT) scores are only available for students in grades 3-10¹² and in 2004-2005 and 2005-2006 approximately 70% of all students served in SES were in kindergarten-grade 3.¹³ Second, SES providers spend a limited amount of time with students since, by law, SES providers are permitted to provide extra help to students before or after school, on weekends, or during the summer.¹⁴ Therefore, assigning a grade based solely on learning gains and student proficiency levels that may or may not be exclusively attributable to the SES provider raised concerns.

Effect of Proposed Changes

The Committee Substitute (CS) requires the DOE to assign a service designation to state-approved SES providers, rather than a grade as provided in current law. The DOE must evaluate each state-approved SES provider and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. A service designation cannot be assigned if the student population served by the SES provider does not meet the minimum sample size necessary, based on accepted professional practice, for statistical reliability and prevention of the unlawful release of personally identifiable student information.

The State Board of Education (SBE) must specify, in rule, the threshold requirements for assigning the service designations. By July 1 of each year, the DOE must report the service designations to the SES providers, school districts, parents, and the public.

⁷ <http://www.fldoe.org/flbпсо/nclbchoice/ses/responsibilities.asp>, Florida Department of Education, Bureau of Student Assistance, Role & Responsibilities.

⁸ <http://data.fldoe.org/ses/search/>, Florida Department of Education, Bureau of Student Assistance, List of Approved SES Providers 2008-2009 school year.

⁹ http://www.fldoe.org/flbпсо/nclbchoice/ses/ses_title1.asp, Florida Department of Education, Bureau of Student Assistance, Title I School Lists.

¹⁰ Rule 6A-1.039, F.A.C.

¹¹ Chapter 2008-171, L.O.F. (Committee Substitute for SB 1414).

¹² s. 1008.22, F.S.

¹³ Department of Education, Analysis of SB 1414 (2008 Legislative Session) similar to HB 1377.

¹⁴ See *supra* note 3.

The CS also requires school districts to provide, by May 1 of each year, the following information to the DOE:

- Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards.¹⁵
- Student attendance and completion data provided to the district by each SES provider.
- Parent satisfaction survey results.
- School district satisfaction survey results.
- Principal satisfaction survey results.

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet these requirements.¹⁶

The rules adopted by the SBE to implement the provisions relating to SES service designations must include an internal complaint procedure to resolve disputes regarding the state approval process, termination of state approval, and assignment of a service designation. The internal complaint must provide for both an informal and formal review by a DOE hearing officer who must make a recommendation to the Commissioner of Education. The decision of the commissioner constitutes final agency action and the internal complaint procedure is exempt from the provisions of chapter 120, F.S.¹⁷

B. SECTION DIRECTORY:

Section 1: Amends s. 1008.331, F.S., relating to supplemental educational services in Title I schools; school district, provider, and department responsibilities.

Section 2: Provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

The CS does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

See FISCAL COMMENTS section.

¹⁵ The Sunshine State Standards establish the core content of the curricula to be taught in Florida and specify the core content knowledge and skills that Kindergarten through grade 12 public school students are expected to acquire. See s. 1003.41(1), F.S.

¹⁶ The purpose of Title I of the Elementary and Secondary Education Act (20 U.S.C. 6301 et. seq.) is to improve the academic achievement of disadvantaged children. Title I funds are used to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. See <http://www.ed.gov/programs/titleiparta/index.html>, U.S. Department of Education, Student Achievement and School Accountability Programs.

¹⁷ The Administrative Procedure Act contains the procedures by which agency actions are formulated and can be challenged and litigated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts are authorized to use Title I, Part A funds, as provided in the Elementary and Secondary Education Act to meet the requirements of this act.

DOE Comment:

The student learning gains and the student attendance and completion data collection is projected to add three data elements to what is collected now for each student who receives Title I Supplemental Educational Services. The cost to each district to add these elements are estimated to cost \$1,500 - \$2,100 for each of the three data elements. Therefore, the cost for 67 school districts and 4 developmental research (lab) schools lab schools is estimated to cost \$319,500 - \$447,300.¹⁸

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education must specify, in rule, the threshold requirements for assigning the SES provider designations.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DOE Comments:

DOE has not assigned grades to providers due to the limitations of the current statutory requirements. The amended statute provides for a more valid and reliable methodology for evaluating SES providers and removes the "high-stakes" nature of assigning grades to SES providers.

The DOE has designed an accountability model for state-approved supplemental educational services (SES) providers based on compliance, monitoring, and data analysis. To ensure compliance with state and federal requirements, the DOE has developed a rigorous provider approval process consistent with requirements of the No Child Left Behind Act. The DOE approved 219 providers to serve students in Florida for the 2007-08 school year. Approximately, 70,000 students participated in SES programs during the 2006-07 school year.¹⁹

¹⁸ Department of Education, Analysis of HB 1377, March 15, 2009.

¹⁹ *Id.*

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 18, 2009, the PreK-12 Policy Committee adopted 1 amendment to HB 1377 and reported the bill favorably as a Committee Substitute (CS). The difference between the CS and the House Bill are as follows:

The CS requires the State Board of Education to adopt rules, including an internal complaint procedure to resolve disputes regarding the SES state approval process, termination of state approval, and assignment of a service designation.

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A bill to be entitled
 An act relating to supplemental educational services;
 amending s. 1008.331, F.S.; requiring each school district
 to report to the Department of Education information
 regarding certain supplemental educational services
 providers; requiring the department to evaluate each
 state-approved provider and assign a service designation;
 providing an exception; requiring rulemaking and reporting
 relating to service designations; authorizing the use of
 certain funds; requiring rulemaking for implementation;
 requiring rules to include an internal complaint procedure
 to resolve certain disputes; providing for a review
 process and final agency action; providing an effective
 date.

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

Section 1. Subsections (5) and (6) of section 1008.331,
 Florida Statutes, are amended to read:

1008.331 Supplemental educational services in Title I
 schools; school district, provider, and department
 responsibilities.--

(5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION. --

(a) By May 1 of each year, each school district must
 report to the department, on the form prescribed by the
 department, the following information regarding each
 supplemental educational services provider that provides service
 to public school students in the district:

29 1. Student learning gains as demonstrated by mastery of
 30 applicable benchmarks or access points set forth in the Sunshine
 31 State Standards.

32 2. Student attendance and completion data provided to the
 33 district by each provider.

34 3. Parent satisfaction survey results.

35 4. School district satisfaction survey results.

36 5. Principal satisfaction survey results.

37 (b) The department shall evaluate each state-approved
 38 provider using the information received pursuant to paragraph
 39 (a) and assign a service designation of excellent, satisfactory,
 40 or unsatisfactory for the prior school year. However, if the
 41 student population served by the provider does not meet the
 42 minimum sample size necessary, based on accepted professional
 43 practice for statistical reliability and prevention of the
 44 unlawful release of personally identifiable student information,
 45 the department may not assign the provider a service
 46 designation. The State Board of Education shall specify, in
 47 rule, the threshold requirements for assigning the service
 48 designations. By July 1 of each year, the department must report
 49 the service designations to the supplemental educational
 50 services providers, the school districts, parents, and the
 51 public.

52 (c) School districts may use Title I, Part A funds to meet
 53 the requirements of this subsection, as provided in the
 54 Elementary and Secondary Education Act, as amended.

55 ~~(a) The Department of Education shall assign to each~~
 56 ~~state-approved supplemental educational services provider one of~~

57 ~~the following grades, defined according to rules of the State~~
 58 ~~Board of Education:~~

- 59 ~~1. "A," providing superior service.~~
- 60 ~~2. "B," providing above satisfactory service.~~
- 61 ~~3. "C," providing satisfactory service.~~
- 62 ~~4. "D," providing below satisfactory service.~~
- 63 ~~5. "F," providing unsatisfactory service.~~

64 ~~(b) A state-approved supplemental educational services~~
 65 ~~provider's grade shall be based on a combination of student~~
 66 ~~learning gains and student proficiency levels, as measured by~~
 67 ~~the statewide assessment pursuant to s. 1008.22, and norm-~~
 68 ~~referenced tests approved by the Department of Education for~~
 69 ~~students in kindergarten through grade 3.~~

70 ~~(c) Beginning with the 2007-2008 school year, the~~
 71 ~~Department of Education shall assign a grade to each state-~~
 72 ~~approved supplemental educational services provider and by March~~
 73 ~~1 report the grades to the supplemental educational services~~
 74 ~~providers, the school districts, parents, and the public.~~

75 (6) RULES.--

76 (a) The State Board of Education shall ~~may~~ adopt rules
 77 pursuant to ss. 120.536(1) and 120.54 to implement the
 78 provisions of this section and may enforce the provisions of
 79 this section pursuant to s. 1008.32.

80 (b) Agency rules shall include an internal complaint
 81 procedure to resolve disputes regarding the state approval
 82 process, termination of state approval, and assignment of a
 83 service designation. The internal complaint procedure shall
 84 afford an informal review by a hearing officer employed by the

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85 department and, if requested, a formal review by a hearing
86 officer employed by the department who shall recommend a
87 resolution of the dispute to the Commissioner of Education. The
88 internal complaint procedure is exempt from the provisions of
89 chapter 120. The decision of the Commissioner of Education
90 constitutes final agency action.

91 Section 2. This act shall take effect July 1, 2009.