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CS for HB 7087 & HB 7091

2011 Legislature

1                                   A bill to be entitled  
 2           An act relating to education law repeals; repealing s.  
 3           445.049, F.S., relating to the creation of the Digital  
 4           Divide Council in the Department of Education; repealing  
 5           s. 817.567, F.S., relating to making false claims of  
 6           academic degree or title; repealing s. 1001.291, F.S.,  
 7           which provides for implementation of a pilot project  
 8           relating to discounted computers and Internet access for  
 9           low-income students; repealing s. 1004.50, F.S., relating  
 10          to the Institute on Urban Policy and Commerce; repealing  
 11          s. 1004.51, F.S., relating to the Community and Faith-  
 12          based Organizations Initiative and the Library Technology  
 13          Access Partnership; repealing s. 1004.52, F.S., relating  
 14          to the community computer access grant program; repealing  
 15          s. 1004.95, F.S., relating to adult literacy centers;  
 16          repealing s. 1004.97, F.S., relating to the Florida  
 17          Literacy Corps; repealing s. 1004.04(11) and (12), F.S.,  
 18          relating to the Preteacher and Teacher Education Pilot  
 19          Programs and the Teacher Education Pilot Programs for  
 20          High-Achieving Students; repealing s. 1009.54, F.S.,  
 21          relating to the Critical Teacher Shortage Program;  
 22          repealing s. 1009.57, F.S., relating to the Florida  
 23          Teacher Scholarship and Forgivable Loan Program; repealing  
 24          s. 1009.58, F.S., relating to the critical teacher  
 25          shortage tuition reimbursement program; repealing s.  
 26          1009.59, F.S., relating to the Critical Teacher Shortage  
 27          Student Loan Forgiveness Program; repealing s. 1012.225,  
 28          F.S., relating to the Merit Award Program for

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29 | Instructional Personnel and School-Based Administrators;  
 30 | repealing s. 1012.2251, F.S., relating to the  
 31 | administration of end-of-course examinations for the Merit  
 32 | Award Program; repealing s. 447.403(2)(c), F.S., relating  
 33 | to the resolution of an impasse involving a dispute of a  
 34 | Merit Award Program plan, to conform; amending ss.  
 35 | 1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07,  
 36 | F.S.; conforming provisions to changes made by the act;  
 37 | repealing s. 1012.33(3)(a), (b), and (c), F.S., relating  
 38 | to professional service contracts for instructional staff;  
 39 | amending s. 1008.22, F.S.; deleting a provision requiring  
 40 | that certain middle school students who earned high school  
 41 | credit in Algebra I take the Algebra I end-of-course  
 42 | assessment during the 2010-2011 school year; providing  
 43 | effective dates.

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

- 47 | Section 1. Section 445.049, Florida Statutes, is repealed.
- 48 | Section 2. Section 817.567, Florida Statutes, is repealed.
- 49 | Section 3. Section 1001.291, Florida Statutes, is  
 50 | repealed.
- 51 | Section 4. Section 1004.50, Florida Statutes, is repealed.
- 52 | Section 5. Section 1004.51, Florida Statutes, is repealed.
- 53 | Section 6. Section 1004.52, Florida Statutes, is repealed.
- 54 | Section 7. Section 1004.95, Florida Statutes, is repealed.
- 55 | Section 8. Section 1004.97, Florida Statutes, is repealed.

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56           Section 9. Subsections (11) and (12) of section 1004.04,  
 57 Florida Statutes, are repealed.

58           Section 10. Sections 1009.54, 1009.57, 1009.58, and  
 59 1009.59, Florida Statutes, are repealed.

60           Section 11. Sections 1012.225 and 1012.2251, Florida  
 61 Statutes, are repealed.

62           Section 12. Paragraph (c) of subsection (2) of section  
 63 447.403, Florida Statutes, is repealed.

64           Section 13. Paragraph (a) of subsection (20) of section  
 65 1002.33, Florida Statutes, is amended to read:

66           1002.33 Charter schools.—

67           (20) SERVICES.—

68           (a)1. A sponsor shall provide certain administrative and  
 69 educational services to charter schools. These services shall  
 70 include contract management services; full-time equivalent and  
 71 data reporting services; exceptional student education  
 72 administration services; services related to eligibility and  
 73 reporting duties required to ensure that school lunch services  
 74 under the federal lunch program, consistent with the needs of  
 75 the charter school, are provided by the school district at the  
 76 request of the charter school, that any funds due to the charter  
 77 school under the federal lunch program be paid to the charter  
 78 school as soon as the charter school begins serving food under  
 79 the federal lunch program, and that the charter school is paid  
 80 at the same time and in the same manner under the federal lunch  
 81 program as other public schools serviced by the sponsor or the  
 82 school district; test administration services, including payment  
 83 of the costs of state-required or district-required student

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84 assessments; processing of teacher certificate data services;  
85 and information services, including equal access to student  
86 information systems that are used by public schools in the  
87 district in which the charter school is located. Student  
88 performance data for each student in a charter school,  
89 including, but not limited to, FCAT scores, standardized test  
90 scores, previous public school student report cards, and student  
91 performance measures, shall be provided by the sponsor to a  
92 charter school in the same manner provided to other public  
93 schools in the district.

94 2. A total administrative fee for the provision of such  
95 services shall be calculated based upon up to 5 percent of the  
96 available funds defined in paragraph (17)(b) for all students.  
97 However, a sponsor may only withhold up to a 5-percent  
98 administrative fee for enrollment for up to and including 250  
99 students. For charter schools with a population of 251 or more  
100 students, the difference between the total administrative fee  
101 calculation and the amount of the administrative fee withheld  
102 may only be used for capital outlay purposes specified in s.  
103 1013.62(2).

104 3. In addition, a sponsor may withhold only up to a 5-  
105 percent administrative fee for enrollment for up to and  
106 including 500 students within a system of charter schools which  
107 meets all of the following:

- 108 a. Includes both conversion charter schools and  
109 nonconversion charter schools;  
110 b. Has all schools located in the same county;  
111 c. Has a total enrollment exceeding the total enrollment

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112 of at least one school district in the state;

113 d. Has the same governing board; and

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

116 4. The difference between the total administrative fee  
117 calculation and the amount of the administrative fee withheld  
118 pursuant to subparagraph 3. may be used for instructional and  
119 administrative purposes as well as for capital outlay purposes  
120 specified in s. 1013.62(2).

121 5. ~~Each charter school shall receive 100 percent of the~~  
122 ~~funds awarded to that school pursuant to s. 1012.225.~~ Sponsors  
123 shall not charge charter schools any additional fees or  
124 surcharges for administrative and educational services in  
125 addition to the maximum 5-percent administrative fee withheld  
126 pursuant to this paragraph.

127 Section 14. Subsection (10) of section 1003.52, Florida  
128 Statutes, is amended to read:

129 1003.52 Educational services in Department of Juvenile  
130 Justice programs.—

131 (10) The district school board shall recruit and train  
132 teachers who are interested, qualified, or experienced in  
133 educating students in juvenile justice programs. Students in  
134 juvenile justice programs shall be provided a wide range of  
135 educational programs and opportunities including textbooks,  
136 technology, instructional support, and other resources available  
137 to students in public schools. Teachers assigned to educational  
138 programs in juvenile justice settings in which the district  
139 school board operates the educational program shall be selected

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140 by the district school board in consultation with the director  
 141 of the juvenile justice facility. Educational programs in  
 142 juvenile justice facilities shall have access to the substitute  
 143 teacher pool utilized by the district school board. ~~Full-time~~  
 144 ~~teachers working in juvenile justice schools, whether employed~~  
 145 ~~by a district school board or a provider, shall be eligible for~~  
 146 ~~the critical teacher shortage tuition reimbursement program as~~  
 147 ~~defined by s. 1009.58 and other teacher recruitment and~~  
 148 ~~retention programs.~~

149 Section 15. Paragraph (a) of subsection (1) of section  
 150 1009.40, Florida Statutes, is amended to read:

151 1009.40 General requirements for student eligibility for  
 152 state financial aid awards and tuition assistance grants.-

153 (1) (a) The general requirements for eligibility of  
 154 students for state financial aid awards and tuition assistance  
 155 grants consist of the following:

156 1. Achievement of the academic requirements of and  
 157 acceptance at a state university or community college; a nursing  
 158 diploma school approved by the Florida Board of Nursing; a  
 159 Florida college, university, or community college which is  
 160 accredited by an accrediting agency recognized by the State  
 161 Board of Education; any Florida institution the credits of which  
 162 are acceptable for transfer to state universities; any career  
 163 center; or any private career institution accredited by an  
 164 accrediting agency recognized by the State Board of Education.

165 2. Residency in this state for no less than 1 year  
 166 preceding the award of aid or a tuition assistance grant for a  
 167 program established pursuant to s. 1009.50, s. 1009.505, s.

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168 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
 169 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.  
 170 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in  
 171 this state must be for purposes other than to obtain an  
 172 education. Resident status for purposes of receiving state  
 173 financial aid awards shall be determined in the same manner as  
 174 resident status for tuition purposes pursuant to s. 1009.21.

175 3. Submission of certification attesting to the accuracy,  
 176 completeness, and correctness of information provided to  
 177 demonstrate a student's eligibility to receive state financial  
 178 aid awards or tuition assistance grants. Falsification of such  
 179 information shall result in the denial of any pending  
 180 application and revocation of any award or grant currently held  
 181 to the extent that no further payments shall be made.  
 182 Additionally, students who knowingly make false statements in  
 183 order to receive state financial aid awards or tuition  
 184 assistance grants commit a misdemeanor of the second degree  
 185 subject to the provisions of s. 837.06 and shall be required to  
 186 return all state financial aid awards or tuition assistance  
 187 grants wrongfully obtained.

188 Section 16. Paragraph (c) of subsection (2) of section  
 189 1009.94, Florida Statutes, is amended to read:

190 1009.94 Student financial assistance database.—

191 (2) For purposes of this section, financial assistance  
 192 includes:

193 (c) Any financial assistance provided under s. 1009.50, s.  
 194 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
 195 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.

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196 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s.  
 197 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

198 Section 17. Paragraph (d) of subsection (7) of section  
 199 1011.62, Florida Statutes, is amended to read:

200 1011.62 Funds for operation of schools.—If the annual  
 201 allocation from the Florida Education Finance Program to each  
 202 district for operation of schools is not determined in the  
 203 annual appropriations act or the substantive bill implementing  
 204 the annual appropriations act, it shall be determined as  
 205 follows:

206 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

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

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

212 2. A state average discretionary levy value per FTE shall  
 213 be calculated by dividing the total maximum discretionary levy  
 214 value for all districts by the state total FTE student count.

215 3. A total potential funds per FTE for each district shall  
 216 be calculated by dividing the total potential funds, not  
 217 including Florida School Recognition Program funds, ~~Merit Award~~  
 218 ~~Program funds,~~ and the minimum guarantee funds, for each  
 219 district by its FTE student count.

220 4. A state average total potential funds per FTE shall be  
 221 calculated by dividing the total potential funds, not including  
 222 Florida School Recognition Program funds, ~~Merit Award Program~~  
 223 ~~funds,~~ and the minimum guarantee funds, for all districts by the



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224 state total FTE student count.

225 5. For districts that have a levy value per FTE as  
 226 calculated in subparagraph 1. higher than the state average  
 227 calculated in subparagraph 2., a sparsity wealth adjustment  
 228 shall be calculated as the product of the difference between the  
 229 state average levy value per FTE calculated in subparagraph 2.  
 230 and the district's levy value per FTE calculated in subparagraph  
 231 1. and the district's FTE student count and -1. However, no  
 232 district shall have a sparsity wealth adjustment that, when  
 233 applied to the total potential funds calculated in subparagraph  
 234 3., would cause the district's total potential funds per FTE to  
 235 be less than the state average calculated in subparagraph 4.

236 6. Each district's sparsity supplement allocation shall be  
 237 calculated by adding the amount calculated as specified in  
 238 paragraphs (a) and (b) and the wealth adjustment amount  
 239 calculated in this paragraph.

240 Section 18. Section 1012.07, Florida Statutes, is amended  
 241 to read:

242 1012.07 Identification of critical teacher shortage  
 243 areas.—

244 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59,~~ The term  
 245 "critical teacher shortage area" applies to mathematics,  
 246 science, career education, and high priority location areas. The  
 247 State Board of Education may identify career education programs  
 248 having critical teacher shortages. The State Board of Education  
 249 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
 250 necessary to annually identify other critical teacher shortage  
 251 areas and high priority location areas. The state board shall

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252 also consider teacher characteristics such as ethnic background,  
 253 race, and sex in determining critical teacher shortage areas.  
 254 School grade levels may also be designated critical teacher  
 255 shortage areas. Individual district school boards may identify  
 256 other critical teacher shortage areas. Such shortages must be  
 257 certified to and approved by the State Board of Education. High  
 258 priority location areas shall be in high-density, low-economic  
 259 urban schools and low-density, low-economic rural schools and  
 260 shall include schools which meet criteria which include, but are  
 261 not limited to, the percentage of free lunches, the percentage  
 262 of students under Chapter I of the Education Consolidation and  
 263 Improvement Act of 1981, and the faculty attrition rate.

264 ~~(2) This section shall be implemented only to the extent~~  
 265 ~~as specifically funded and authorized by law.~~

266 Section 19. Effective July 1, 2011, paragraphs (a), (b),  
 267 and (c) of subsection (3) of section 1012.33, Florida Statutes,  
 268 are repealed.

269 Section 20. Paragraph (c) of subsection (3) of section  
 270 1008.22, Florida Statutes, is amended to read:

271 1008.22 Student assessment program for public schools.—

272 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 273 design and implement a statewide program of educational  
 274 assessment that provides information for the improvement of the  
 275 operation and management of the public schools, including  
 276 schools operating for the purpose of providing educational  
 277 services to youth in Department of Juvenile Justice programs.  
 278 The commissioner may enter into contracts for the continued  
 279 administration of the assessment, testing, and evaluation

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280 programs authorized and funded by the Legislature. Contracts may  
281 be initiated in 1 fiscal year and continue into the next and may  
282 be paid from the appropriations of either or both fiscal years.  
283 The commissioner is authorized to negotiate for the sale or  
284 lease of tests, scoring protocols, test scoring services, and  
285 related materials developed pursuant to law. Pursuant to the  
286 statewide assessment program, the commissioner shall:

287 (c) Develop and implement a student achievement testing  
288 program as follows:

289 1. The Florida Comprehensive Assessment Test (FCAT)  
290 measures a student's content knowledge and skills in reading,  
291 writing, science, and mathematics. The content knowledge and  
292 skills assessed by the FCAT must be aligned to the core  
293 curricular content established in the Next Generation Sunshine  
294 State Standards. Other content areas may be included as directed  
295 by the commissioner. Comprehensive assessments of reading and  
296 mathematics shall be administered annually in grades 3 through  
297 10 except, beginning with the 2010-2011 school year, the  
298 administration of grade 9 FCAT Mathematics shall be  
299 discontinued, and beginning with the 2011-2012 school year, the  
300 administration of grade 10 FCAT Mathematics shall be  
301 discontinued, except as required for students who have not  
302 attained minimum performance expectations for graduation as  
303 provided in paragraph (9)(c). FCAT Writing and FCAT Science  
304 shall be administered at least once at the elementary, middle,  
305 and high school levels except, beginning with the 2011-2012  
306 school year, the administration of FCAT Science at the high  
307 school level shall be discontinued.

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308 2.a. End-of-course assessments for a subject shall be  
309 administered in addition to the comprehensive assessments  
310 required under subparagraph 1. End-of-course assessments must be  
311 rigorous, statewide, standardized, and developed or approved by  
312 the department. The content knowledge and skills assessed by  
313 end-of-course assessments must be aligned to the core curricular  
314 content established in the Next Generation Sunshine State  
315 Standards.

316 (I) Statewide, standardized end-of-course assessments in  
317 mathematics shall be administered according to this sub-sub-  
318 subparagraph. Beginning with the 2010-2011 school year, all  
319 students enrolled in Algebra I or an equivalent course must take  
320 the Algebra I end-of-course assessment. ~~Students who earned high~~  
321 ~~school credit in Algebra I while in grades 6 through 8 during~~  
322 ~~the 2007-2008 through 2009-2010 school years and who have not~~  
323 ~~taken Grade 10 FCAT Mathematics must take the Algebra I end-of-~~  
324 ~~course assessment during the 2010-2011 school year.~~ For students  
325 entering grade 9 during the 2010-2011 school year and who are  
326 enrolled in Algebra I or an equivalent, each student's  
327 performance on the end-of-course assessment in Algebra I shall  
328 constitute 30 percent of the student's final course grade.  
329 Beginning with students entering grade 9 in the 2011-2012 school  
330 year, a student who is enrolled in Algebra I or an equivalent  
331 must earn a passing score on the end-of-course assessment in  
332 Algebra I or attain an equivalent score as described in  
333 subsection (11) in order to earn course credit. Beginning with  
334 the 2011-2012 school year, all students enrolled in geometry or  
335 an equivalent course must take the geometry end-of-course

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336 assessment. For students entering grade 9 during the 2011-2012  
337 school year, each student's performance on the end-of-course  
338 assessment in geometry shall constitute 30 percent of the  
339 student's final course grade. Beginning with students entering  
340 grade 9 during the 2012-2013 school year, a student must earn a  
341 passing score on the end-of-course assessment in geometry or  
342 attain an equivalent score as described in subsection (11) in  
343 order to earn course credit.

344 (II) Statewide, standardized end-of-course assessments in  
345 science shall be administered according to this sub-sub-  
346 subparagraph. Beginning with the 2011-2012 school year, all  
347 students enrolled in Biology I or an equivalent course must take  
348 the Biology I end-of-course assessment. For the 2011-2012 school  
349 year, each student's performance on the end-of-course assessment  
350 in Biology I shall constitute 30 percent of the student's final  
351 course grade. Beginning with students entering grade 9 during  
352 the 2012-2013 school year, a student must earn a passing score  
353 on the end-of-course assessment in Biology I in order to earn  
354 course credit.

355 b. During the 2012-2013 school year, an end-of-course  
356 assessment in civics education shall be administered as a field  
357 test at the middle school level. During the 2013-2014 school  
358 year, each student's performance on the statewide, standardized  
359 end-of-course assessment in civics education shall constitute 30  
360 percent of the student's final course grade. Beginning with the  
361 2014-2015 school year, a student must earn a passing score on  
362 the end-of-course assessment in civics education in order to  
363 pass the course and receive course credit.

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364 c. The commissioner may select one or more nationally  
365 developed comprehensive examinations, which may include, but  
366 need not be limited to, examinations for a College Board  
367 Advanced Placement course, International Baccalaureate course,  
368 or Advanced International Certificate of Education course, or  
369 industry-approved examinations to earn national industry  
370 certifications identified in the Industry Certification Funding  
371 List, pursuant to rules adopted by the State Board of Education,  
372 for use as end-of-course assessments under this paragraph, if  
373 the commissioner determines that the content knowledge and  
374 skills assessed by the examinations meet or exceed the grade  
375 level expectations for the core curricular content established  
376 for the course in the Next Generation Sunshine State Standards.  
377 The commissioner may collaborate with the American Diploma  
378 Project in the adoption or development of rigorous end-of-course  
379 assessments that are aligned to the Next Generation Sunshine  
380 State Standards.

381 d. Contingent upon funding provided in the General  
382 Appropriations Act, including the appropriation of funds  
383 received through federal grants, the Commissioner of Education  
384 shall establish an implementation schedule for the development  
385 and administration of additional statewide, standardized end-of-  
386 course assessments in English/Language Arts II, Algebra II,  
387 chemistry, physics, earth/space science, United States history,  
388 and world history. Priority shall be given to the development of  
389 end-of-course assessments in English/Language Arts II. The  
390 Commissioner of Education shall evaluate the feasibility and  
391 effect of transitioning from the grade 9 and grade 10 FCAT

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392 Reading and high school level FCAT Writing to an end-of-course  
393 assessment in English/Language Arts II. The commissioner shall  
394 report the results of the evaluation to the President of the  
395 Senate and the Speaker of the House of Representatives no later  
396 than July 1, 2011.

397 3. The testing program shall measure student content  
398 knowledge and skills adopted by the State Board of Education as  
399 specified in paragraph (a) and measure and report student  
400 performance levels of all students assessed in reading, writing,  
401 mathematics, and science. The commissioner shall provide for the  
402 tests to be developed or obtained, as appropriate, through  
403 contracts and project agreements with private vendors, public  
404 vendors, public agencies, postsecondary educational  
405 institutions, or school districts. The commissioner shall obtain  
406 input with respect to the design and implementation of the  
407 testing program from state educators, assistive technology  
408 experts, and the public.

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

414 5. FCAT Reading, Mathematics, and Science and all  
415 statewide, standardized end-of-course assessments shall measure  
416 the content knowledge and skills a student has attained on the  
417 assessment by the use of scaled scores and achievement levels.  
418 Achievement levels shall range from 1 through 5, with level 1  
419 being the lowest achievement level, level 5 being the highest

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420 achievement level, and level 3 indicating satisfactory  
 421 performance on an assessment. For purposes of FCAT Writing,  
 422 student achievement shall be scored using a scale of 1 through 6  
 423 and the score earned shall be used in calculating school grades.  
 424 A score shall be designated for each subject area tested, below  
 425 which score a student's performance is deemed inadequate. The  
 426 school districts shall provide appropriate remedial instruction  
 427 to students who score below these levels.

428 6. The State Board of Education shall, by rule, designate  
 429 a passing score for each part of the grade 10 assessment test  
 430 and end-of-course assessments. Any rule that has the effect of  
 431 raising the required passing scores may apply only to students  
 432 taking the assessment for the first time after the rule is  
 433 adopted by the State Board of Education. Except as otherwise  
 434 provided in this subparagraph and as provided in s.  
 435 1003.428(8) (b) or s. 1003.43(11) (b), students must earn a  
 436 passing score on grade 10 FCAT Reading and grade 10 FCAT  
 437 Mathematics or attain concordant scores as described in  
 438 subsection (10) in order to qualify for a standard high school  
 439 diploma.

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

446 8. Participation in the testing program is mandatory for  
 447 all students attending public school, including students served



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448 | in Department of Juvenile Justice programs, except as otherwise  
449 | prescribed by the commissioner. A student who has not earned  
450 | passing scores on the grade 10 FCAT as provided in subparagraph  
451 | 6. must participate in each retake of the assessment until the  
452 | student earns passing scores or achieves scores on a  
453 | standardized assessment which are concordant with passing scores  
454 | pursuant to subsection (10). If a student does not participate  
455 | in the statewide assessment, the district must notify the  
456 | student's parent and provide the parent with information  
457 | regarding the implications of such nonparticipation. A parent  
458 | must provide signed consent for a student to receive classroom  
459 | instructional accommodations that would not be available or  
460 | permitted on the statewide assessments and must acknowledge in  
461 | writing that he or she understands the implications of such  
462 | instructional accommodations. The State Board of Education shall  
463 | adopt rules, based upon recommendations of the commissioner, for  
464 | the provision of test accommodations for students in exceptional  
465 | education programs and for students who have limited English  
466 | proficiency. Accommodations that negate the validity of a  
467 | statewide assessment are not allowable in the administration of  
468 | the FCAT or an end-of-course assessment. However, instructional  
469 | accommodations are allowable in the classroom if included in a  
470 | student's individual education plan. Students using  
471 | instructional accommodations in the classroom that are not  
472 | allowable as accommodations on the FCAT or an end-of-course  
473 | assessment may have the FCAT or an end-of-course assessment  
474 | requirement waived pursuant to the requirements of s.  
475 | 1003.428(8)(b) or s. 1003.43(11)(b).

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476           9. A student seeking an adult high school diploma must  
477 meet the same testing requirements that a regular high school  
478 student must meet.

479           10. District school boards must provide instruction to  
480 prepare students in the core curricular content established in  
481 the Next Generation Sunshine State Standards adopted under s.  
482 1003.41, including the core content knowledge and skills  
483 necessary for successful grade-to-grade progression and high  
484 school graduation. If a student is provided with instructional  
485 accommodations in the classroom that are not allowable as  
486 accommodations in the statewide assessment program, as described  
487 in the test manuals, the district must inform the parent in  
488 writing and must provide the parent with information regarding  
489 the impact on the student's ability to meet expected performance  
490 levels in reading, writing, mathematics, and science. The  
491 commissioner shall conduct studies as necessary to verify that  
492 the required core curricular content is part of the district  
493 instructional programs.

494           11. District school boards must provide opportunities for  
495 students to demonstrate an acceptable performance level on an  
496 alternative standardized assessment approved by the State Board  
497 of Education following enrollment in summer academies.

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

503           13. For students seeking a special diploma pursuant to s.

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504 1003.438, the Department of Education must develop or select and  
505 implement an alternate assessment tool that accurately measures  
506 the core curricular content established in the Next Generation  
507 Sunshine State Standards for students with disabilities under s.  
508 1003.438.

509 14. The Commissioner of Education shall establish  
510 schedules for the administration of statewide assessments and  
511 the reporting of student test results. When establishing the  
512 schedules for the administration of statewide assessments, the  
513 commissioner shall consider the observance of religious and  
514 school holidays. The commissioner shall, by August 1 of each  
515 year, notify each school district in writing and publish on the  
516 department's Internet website the testing and reporting  
517 schedules for, at a minimum, the school year following the  
518 upcoming school year. The testing and reporting schedules shall  
519 require that:

520 a. There is the latest possible administration of  
521 statewide assessments and the earliest possible reporting to the  
522 school districts of student test results which is feasible  
523 within available technology and specific appropriations;  
524 however, test results for the FCAT must be made available no  
525 later than the week of June 8. Student results for end-of-course  
526 assessments must be provided no later than 1 week after the  
527 school district completes testing for each course.

528 b. Beginning with the 2010-2011 school year, FCAT Writing  
529 is not administered earlier than the week of March 1 and a  
530 comprehensive statewide assessment of any other subject is not  
531 administered earlier than the week of April 15.

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532 c. A statewide, standardized end-of-course assessment is  
533 administered during a 3-week period at the end of the course.  
534 The commissioner shall select a 3-week administration period for  
535 assessments that meets the intent of end-of-course assessments  
536 and provides student results prior to the end of the course.  
537 School districts shall select 1 testing week within the 3-week  
538 administration period for each end-of-course assessment. For an  
539 end-of-course assessment administered at the end of the first  
540 semester, the commissioner shall determine the most appropriate  
541 testing dates based on a school district's academic calendar.  
542  
543 The commissioner may, based on collaboration and input from  
544 school districts, design and implement student testing programs,  
545 for any grade level and subject area, necessary to effectively  
546 monitor educational achievement in the state, including the  
547 measurement of educational achievement of the Next Generation  
548 Sunshine State Standards for students with disabilities.  
549 Development and refinement of assessments shall include  
550 universal design principles and accessibility standards that  
551 will prevent any unintended obstacles for students with  
552 disabilities while ensuring the validity and reliability of the  
553 test. These principles should be applicable to all technology  
554 platforms and assistive devices available for the assessments.  
555 The field testing process and psychometric analyses for the  
556 statewide assessment program must include an appropriate  
557 percentage of students with disabilities and an evaluation or  
558 determination of the effect of test items on such students.

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559           Section 21. Except as otherwise expressly provided in this  
560 act, this act shall take effect upon becoming a law.