

By Senator Pruitt

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A bill to be entitled
An act relating to education; expressing the legislative intent to amend s. 229.05371, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 232.245, F.S.; requiring a school district to notify the parent of a student who does not take the statewide assessments; requiring a parent's signed consent for the provision of instructional modifications that would not be permitted on the statewide assessments; amending s. 229.57; requiring a school district to notify the parent of a student who does not take the statewide assessments; requiring a school district to notify a parent when a student is provided with instructional modifications that are not allowable in the statewide assessment program and to inform the parent regarding the impact of nonparticipation on the student's ability to meet expected proficiency levels; providing an effective date.

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

Section 1. The Legislature intends to amend section 229.05371, Florida Statutes, relating to the John M. McKay Scholarship Program for Students with Disabilities.

Section 2. Present subsections (5), (6), and (7) of section 232.245, Florida Statutes, are redesignated as

1 subsections (6), (7), and (8), respectively, and a new
2 subsection (5) is added to that section to read:

3 232.245 Pupil progression; remedial instruction;
4 reporting requirements.--

5 (5) If a student does not participate in the statewide
6 assessment, the district must notify the student's parent and
7 provide the parent with information regarding the implications
8 of such nonparticipation. If modifications are made in the
9 student's instruction to provide accommodations that would not
10 be permitted on the statewide assessment tests, the district
11 must notify the student's parent of the implications of such
12 instructional modifications. A parent must provide signed
13 consent for a student to receive instructional modifications
14 that would not be permitted on the statewide assessments and
15 must acknowledge in writing that he or she understands the
16 implications of such accommodation.

17 Section 3. Paragraph (c) of subsection (3) of section
18 229.57, Florida Statutes, is amended to read:

19 229.57 Student assessment program.--

20 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
21 shall design and implement a statewide program of educational
22 assessment that provides information for the improvement of
23 the operation and management of the public schools, including
24 schools operating for the purpose of providing educational
25 services to youth in Department of Juvenile Justice programs.
26 Pursuant to the statewide assessment program, the commissioner
27 shall:

28 (c) Develop and implement a student achievement
29 testing program as part of the statewide assessment program,
30 to be administered annually in grades 3 through 10 to measure
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1 reading, writing, science, and mathematics. The testing
2 program must be designed so that:

3 1. The tests measure student skills and competencies
4 adopted by the state board as specified in paragraph (a). The
5 tests must measure and report student proficiency levels in
6 reading, writing, and mathematics. Science proficiency must be
7 measured statewide beginning in 2003. Other content areas may
8 be included as directed by the commissioner. The commissioner
9 shall provide for the tests to be developed or obtained, as
10 appropriate, through contracts and project agreements with
11 private vendors, public vendors, public agencies,
12 postsecondary institutions, or school districts. The
13 commissioner shall obtain input with respect to the design and
14 implementation of the testing program from state educators and
15 the public.

16 2. The tests are a combination of norm-referenced and
17 criterion-referenced and include, to the extent determined by
18 the commissioner, items that require the student to produce
19 information or perform tasks in such a way that the skills and
20 competencies he or she uses can be measured.

21 3. Each testing program, whether at the elementary,
22 middle, or high school level, includes a test of writing in
23 which students are required to produce writings which are then
24 scored by appropriate methods.

25 4. A score is designated for each subject area tested,
26 below which score a student's performance is deemed
27 inadequate. The school districts shall provide appropriate
28 remedial instruction to students who score below these levels.

29 5. Except as provided in subparagraph 6., all 11th
30 grade students take a high school competency test developed by
31 the state board to test minimum student performance skills and

1 competencies in reading, writing, and mathematics. The test
2 must be based on the skills and competencies adopted by the
3 state board pursuant to paragraph (a). Upon recommendation of
4 the commissioner, the state board shall designate a passing
5 score for each part of the high school competency test. In
6 establishing passing scores, the state board shall consider
7 any possible negative impact of the test on minority students.
8 The commissioner may establish criteria whereby a student who
9 successfully demonstrates proficiency in either reading or
10 mathematics or both may be exempted from taking the
11 corresponding section of the high school competency test or
12 the college placement test. A student must earn a passing
13 score or have been exempted from each part of the high school
14 competency test in order to qualify for a regular high school
15 diploma. The school districts shall provide appropriate
16 remedial instruction to students who do not pass part of the
17 competency test.

18 6. Students who enroll in grade 9 in the fall of 1999
19 and thereafter must earn a passing score on the grade 10
20 assessment test described in this paragraph instead of the
21 high school competency test described in subparagraph 5. Such
22 students must earn a passing score in reading, writing, and
23 mathematics to qualify for a regular high school diploma. Upon
24 recommendation of the commissioner, the state board shall
25 designate a passing score for each part of the grade 10
26 assessment test. In establishing passing scores, the state
27 board shall consider any possible negative impact of the test
28 on minority students.

29 7. Participation in the testing program is mandatory
30 for all students, including students served in Department of
31 Juvenile Justice programs, except as otherwise prescribed by

1 the commissioner. If a student does not participate in the
2 testing program, the district must notify the parent and
3 provide the parent with information regarding the reasons for
4 and implications of such nonparticipation.The commissioner
5 shall recommend rules to the state board for the provision of
6 test adaptations and modifications of procedures as necessary
7 for students in exceptional education programs and for
8 students who have limited English proficiency.

9 8. A student seeking an adult high school diploma must
10 meet the same testing requirements that a regular high school
11 student must meet.

12 9. School districts must provide instruction to
13 prepare students to demonstrate proficiency in the skills and
14 competencies necessary for successful grade-to-grade
15 progression and high school graduation. If a student is
16 provided with accommodations or modifications that are not
17 allowable in the statewide assessment program, as described in
18 the test manuals, the district must inform the parent in
19 writing, and must provide the parent with information
20 regarding the impact on the student's ability to meet expected
21 proficiency levels in reading, writing, and math.The
22 commissioner shall conduct studies as necessary to verify that
23 the required skills and competencies are part of the district
24 instructional programs.

25 10. By January 1, 2000, the Department of Education
26 must develop, or select, and implement a common battery of
27 assessment tools which will be used in all juvenile justice
28 programs in the state. These tools must accurately reflect
29 criteria established in the Florida Sunshine State Standards.

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1 The commissioner may design and implement student testing
2 programs for any grade level and subject area, based on
3 procedures designated by the commissioner to monitor
4 educational achievement in the state.

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

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9 SENATE SUMMARY

10 Expresses the legislative intent to amend statutes
11 relating to the John M. McKay Scholarships for Students
12 with Disabilities Program. Requires school districts to
13 notify the parents of students who do not take statewide
14 assessments. Requires parental consent for instructional
15 modifications that are not permitted on statewide
16 assessments. (See bill for details.)
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