

By Senator Lawson

6-1372-03

See HB 253

1                                   A bill to be entitled  
2           An act relating to the statewide assessment  
3           program for public schools; amending s.  
4           1008.22, F.S.; revising provisions relating to  
5           the design and implementation of the FCAT;  
6           requiring universal design principles that will  
7           prevent unintended obstacles for students with  
8           disabilities; providing field testing and  
9           analysis requirements; requiring the  
10          Commissioner of Education to expand the  
11          statewide assessment program to include  
12          multiple assessment options leading to a  
13          standard high school diploma for students with  
14          disabilities; requiring development of  
15          assessment options; providing for student  
16          accommodations when taking the FCAT or  
17          alternate assessments; providing for an appeals  
18          process; specifying features and methods for  
19          implementation of alternate assessment options  
20          for students with disabilities; requiring the  
21          commissioner to establish a State  
22          Accommodations Panel to review, consider,  
23          approve, or disapprove new testing  
24          accommodations; providing duties of the panel;  
25          providing that the commissioner shall require  
26          school districts to be accountable for all  
27          students and to provide certain remediation;  
28          providing requirements relating to assessment  
29          scores; providing an effective date.

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

1           Section 1. Paragraph (c) of subsection (3) of section  
2 1008.22, Florida Statutes, is amended, and paragraphs (g) and  
3 (h) are added to that subsection, to read:

4           1008.22 Student assessment program for public  
5 schools.--

6           (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
7 shall design and implement a statewide program of educational  
8 assessment that provides information for the improvement of  
9 the operation and management of the public schools, including  
10 schools operating for the purpose of providing educational  
11 services to youth in Department of Juvenile Justice programs.  
12 Pursuant to the statewide assessment program, the commissioner  
13 shall:

14           (c) Develop and implement a student achievement  
15 testing program known as the Florida Comprehensive Assessment  
16 Test (FCAT) as part of the statewide assessment program, to be  
17 administered annually in grades 3 through 10 to measure  
18 reading, writing, science, and mathematics. Other content  
19 areas may be included as directed by the commissioner. The  
20 testing program must be designed so that:

21           1. The tests measure student skills and competencies  
22 adopted by the State Board of Education as specified in  
23 paragraph (a). The tests must measure and report ~~student~~  
24 proficiency levels of all students in reading, writing,  
25 mathematics, and science. The commissioner shall provide for  
26 the tests to be developed or obtained, as appropriate, through  
27 contracts and project agreements with private vendors, public  
28 vendors, public agencies, postsecondary educational  
29 institutions, or school districts. The commissioner shall  
30 obtain input with respect to the design and implementation of  
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1 the testing program from state regular and exceptional student  
2 educators, assistive technology experts,and the public.

3 2. The testing program will include a combination of  
4 norm-referenced and criterion-referenced tests and include, to  
5 the extent determined by the commissioner, questions that  
6 require the student to produce information or perform tasks in  
7 such a way that the skills and competencies he or she uses can  
8 be measured.

9 3. Each testing program, whether at the elementary,  
10 middle, or high school level, includes a test of writing in  
11 which students are required to produce writings that are then  
12 scored by appropriate and timely methods.

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

17 5. Students must earn a passing score on the grade 10  
18 assessment test described in this paragraph in reading,  
19 writing, and mathematics to qualify for a standard ~~regular~~  
20 high school diploma. The State Board of Education shall  
21 designate a passing score for each part of the grade 10  
22 assessment test. In establishing passing scores, the state  
23 board shall consider any possible negative impact of the test  
24 on minority students. All students who took the grade 10 FCAT  
25 during the 2000-2001 school year shall be required to earn the  
26 passing scores in reading and mathematics established by the  
27 State Board of Education for the March 2001 test  
28 administration. Such students who did not earn the established  
29 passing scores and must repeat the grade 10 FCAT are required  
30 to earn the passing scores established for the March 2001 test  
31 administration. All students who take the grade 10 FCAT for

1 the first time in March 2002 and thereafter shall be required  
2 to earn the passing scores in reading and mathematics  
3 established by the State Board of Education for the March 2002  
4 test administration. The State Board of Education shall adopt  
5 rules which specify the passing scores for the grade 10 FCAT.  
6 Any such rules, which have the effect of raising the required  
7 passing scores, shall only apply to students taking the grade  
8 10 FCAT after such rules are adopted by the State Board of  
9 Education.

10           6. Participation in the testing program is mandatory  
11 for all students attending public school, including students  
12 served in Department of Juvenile Justice programs, except as  
13 otherwise prescribed by the commissioner. If a student does  
14 not participate in the statewide assessment, the district must  
15 notify the student's parent and provide the parent with  
16 information regarding the implications of such  
17 nonparticipation. If modifications are made in the student's  
18 instruction to provide modifications ~~accommodations~~ that would  
19 not be permitted on the statewide assessment tests, the  
20 district must notify the student's parent of the implications  
21 of such instructional modifications. A parent must provide  
22 signed consent for a student to receive instructional  
23 modifications that would not be permitted on the statewide  
24 assessment ~~assessments~~ and must acknowledge in writing that he  
25 or she understands the implications of such modifications  
26 ~~accommodations~~. The State Board of Education shall adopt  
27 rules, based upon recommendations of the commissioner, for the  
28 provision of test accommodations and modifications of  
29 procedures as necessary for students in exceptional education  
30 programs and for students who have limited English

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1 proficiency. ~~Accommodations that negate the validity of a~~  
2 ~~statewide assessment are not allowable.~~

3 7. A student seeking an adult high school diploma must  
4 meet the same testing requirements that a regular high school  
5 student must meet.

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

19 9. The Department of Education must develop, or  
20 select, and implement a common battery of assessment tools  
21 that will be used in all juvenile justice programs in the  
22 state. These tools must accurately measure the skills and  
23 competencies established in the Florida Sunshine State  
24 Standards.

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26 The commissioner may design and implement student testing  
27 programs, for any grade level and subject area, necessary to  
28 effectively measure educational achievements as established in  
29 the Sunshine State Standards ~~monitor educational achievement~~  
30 ~~in the state.~~ Development and refinement shall include  
31 universal design principles that will prevent any unintended

1 obstacles for students with disabilities. The field testing  
2 process and psychometric analyses for the statewide assessment  
3 program formats must include students with disabilities and an  
4 evaluation or determination of the impact of test items on  
5 such students.

6 (g)1. Expand the program to include multiple  
7 assessment options leading to a standard high school diploma,  
8 including the current version of the FCAT with a broad array  
9 of reasonable accommodations and alternate assessment options  
10 for students with disabilities to demonstrate their  
11 achievement of the skills and competencies of the Sunshine  
12 State Standards. Alternate assessment options, such as a  
13 portfolio assessment, juried assessment, oral or  
14 capability-focused presentation or demonstration, and  
15 web-based assessment, shall be developed by the Department of  
16 Education to measure the same Sunshine State Standard  
17 benchmarks measured by the FCAT.

18 a. School districts shall provide students with  
19 disabilities any reasonable accommodation when taking the FCAT  
20 or any alternate assessment within the statewide assessment  
21 program that has been included as part of the student's  
22 individual education plan (IEP) or Section 504 plan and that  
23 cannot be demonstrated by the State Accommodations Panel to  
24 jeopardize the reliability, validity, or security of the FCAT  
25 and that is routinely used in the classroom.

26 b. School districts shall be monitored to ensure that  
27 they offer and implement testing modifications that are  
28 included within student IEPs and Section 504 plans.

29 c. Only options and formats within the statewide  
30 assessment program that are developed to be valid for  
31 measuring assessment progress toward the benchmarks of the

1 Sunshine State Standards and that reliably measure the  
2 performance of students with disabilities shall be  
3 administered to such students.

4 d. The scores of students with disabilities shall not  
5 be singled out or flagged in the statewide assessment program  
6 reporting process regardless of the assessment format used.

7 e. Statewide assessment development and selection of  
8 test items shall include persons with disabilities, experts  
9 knowledgeable about testing students in the various  
10 disabilities, and persons knowledgeable about assistive  
11 technology for students with disabilities.

12 f. A well-defined, well-communicated appeals process  
13 shall be developed and implemented so that students with  
14 disabilities may appeal certain issues and decisions,  
15 including, but not limited to: denial of eligibility for an  
16 alternate assessment leading to a standard or special high  
17 school diploma; type of alternate assessment to be used;  
18 scoring process; disapproval of testing accommodations;  
19 failure to implement an approved accommodation; and use of  
20 FCAT scores for promotion.

21 g. All students with disabilities shall be included in  
22 all school-level activities related to statewide assessment  
23 test preparation and school-level remediation activities.

24 2. Provide for alternate assessment options that have  
25 the following features and methods for implementation:

26 a. An alternate assessment must be a state uniform  
27 system of assessing the achievement and progress of students  
28 with disabilities in grades 3 through 10 for whom the FCAT,  
29 even with expanded accommodations and formats, is not  
30 appropriate.

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1           b. An alternate assessment leading to a standard  
2 diploma must measure the same areas in reading, writing,  
3 science, and mathematics in grade 10 as the FCAT measures.

4           c. An alternate assessment must be developed, field  
5 tested, validated, and implemented by the State Board of  
6 Education, following established guidelines and standards for  
7 sound test development and administration.

8           d. An alternate assessment must have specific criteria  
9 for what is addressed, how it is measured, observed, and  
10 documented, and how it is scored. The State Board of  
11 Education shall develop the scoring process and scoring  
12 rubrics appropriate to each type of assessment, grade level,  
13 and content area, including reading, writing, science, and  
14 mathematics. The State Board of Education shall be responsible  
15 for scoring to ensure consistency across all schools and  
16 districts.

17           e. Students who are eligible to participate in an  
18 alternate assessment must be required to demonstrate the same  
19 high levels of performance expected of other students for  
20 student progression and to meet the requirements for  
21 graduation. Scores on an alternate assessment that are  
22 comparable to specific FCAT achievement levels for student  
23 progression in grades 3 through 10 and for graduation shall be  
24 established by the State Board of Education.

25           f. An alternate assessment must be evaluated by a  
26 method that is equal to and indistinguishable from the system  
27 used for the FCAT.

28           g. Students who participate in an alternate assessment  
29 option within the statewide assessment program must be  
30 eligible for all of the programs, services, and activities as  
31 students who participate in the FCAT.



1           h. Specific student eligibility criteria shall be  
2 established by the State Board of Education in collaboration  
3 with a representative group of school district and school  
4 educators. Once criteria are established, a student's IEP  
5 team or Section 504 team must determine if the student is  
6 eligible to participate in the alternate assessment, and for  
7 which mode or option.

8           i. School districts must inform IEP and Section 504  
9 team members, including parents, regarding alternate  
10 assessment options within the statewide assessment program.

11           3. Establish a State Accommodations Panel to review,  
12 consider, approve, or disapprove new testing accommodations  
13 requested by an IEP team or 504 team through the school  
14 districts. The State Accommodations Panel shall include a  
15 parent, a state testing expert, a state exceptional student  
16 education representative, a researcher, a teacher, an  
17 assistive technology expert, and other area or content  
18 specialists depending on the type of accommodation being  
19 considered by the panel. The State Accommodations Panel shall:

20           a. Establish a timely process for decisionmaking,  
21 including documentation for requesting and receiving approval  
22 or disapproval for requested accommodations.

23           b. Approve assessment accommodations that are part of  
24 the student's IEP plan or 504 plan unless research-based  
25 evidence demonstrates that the accommodation invalidates the  
26 score interpretation.

27           c. Disseminate an annual update of approved and  
28 disapproved testing accommodations to parents and school  
29 districts using a variety of dissemination mechanisms.

30           d. Review annual reports required by the Department of  
31 Education from school districts about reasonable

1 accommodations utilized for students with disabilities within  
2 the school districts during any statewide assessment program  
3 component administration.

4 e. Eliminate the discrepancy between accommodations  
5 available to students in postsecondary education that are not  
6 presently available during the statewide assessment program  
7 administration.

8 (h) Require school districts to be accountable for the  
9 academic progress of all students and to provide any necessary  
10 remediation for students who do not meet grade-level

11 benchmarks relative to the Sunshine State Standards.

12 Assessment scores for all students with disabilities shall be  
13 included in the reporting procedures as well as the  
14 accountability system of the statewide assessment program.

15 Section 2. This act shall take effect July 1, 2003.

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