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A bill to be entitled

An act relating to the statewide assessment program for public schools; amending s. 1008.22, F.S.; revising provisions relating to the design and implementation of the FCAT; requiring universal design principles that will prevent unintended obstacles for students with disabilities; providing field testing and analysis requirements; requiring the Commissioner of Education to expand the statewide assessment program to include multiple assessment options leading to a standard high school diploma for students with disabilities; requiring development of assessment options; providing for student accommodations when taking the FCAT or alternate assessments; providing for an appeals process; specifying features and methods for implementation of alternate assessment options for students with disabilities; requiring the commissioner to establish a State Accommodations Panel to review, consider, approve, or disapprove new testing accommodations; providing duties of the panel; providing that the commissioner shall require school districts to be accountable for all students and to provide certain remediation; providing requirements relating to assessment scores; providing an effective date.

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

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



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31 1008.22 Student assessment program for public schools.--

32 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 33 design and implement a statewide program of educational
 34 assessment that provides information for the improvement of the
 35 operation and management of the public schools, including
 36 schools operating for the purpose of providing educational
 37 services to youth in Department of Juvenile Justice programs.
 38 Pursuant to the statewide assessment program, the commissioner
 39 shall:

40 (c) Develop and implement a student achievement testing
 41 program known as the Florida Comprehensive Assessment Test
 42 (FCAT) as part of the statewide assessment program, to be
 43 administered annually in grades 3 through 10 to measure reading,
 44 writing, science, and mathematics. Other content areas may be
 45 included as directed by the commissioner. The testing program
 46 must be designed so that:

47 1. The tests measure student skills and competencies
 48 adopted by the State Board of Education as specified in
 49 paragraph (a). The tests must measure and report ~~student~~
 50 proficiency levels of all students in reading, writing,
 51 mathematics, and science. The commissioner shall provide for the
 52 tests to be developed or obtained, as appropriate, through
 53 contracts and project agreements with private vendors, public
 54 vendors, public agencies, postsecondary educational
 55 institutions, or school districts. The commissioner shall obtain
 56 input with respect to the design and implementation of the
 57 testing program from state regular and exceptional student
 58 educators, assistive technology experts, and the public.

59 2. The testing program will include a combination of norm-
 60 referenced and criterion-referenced tests and include, to the



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61 extent determined by the commissioner, questions that require
62 the student to produce information or perform tasks in such a
63 way that the skills and competencies he or she uses can be
64 measured.

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

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

73 5. Students must earn a passing score on the grade 10
74 assessment test described in this paragraph in reading, writing,
75 and mathematics to qualify for a standard ~~regular~~ high school
76 diploma. The State Board of Education shall designate a passing
77 score for each part of the grade 10 assessment test. In
78 establishing passing scores, the state board shall consider any
79 possible negative impact of the test on minority students. All
80 students who took the grade 10 FCAT during the 2000-2001 school
81 year shall be required to earn the passing scores in reading and
82 mathematics established by the State Board of Education for the
83 March 2001 test administration. Such students who did not earn
84 the established passing scores and must repeat the grade 10 FCAT
85 are required to earn the passing scores established for the
86 March 2001 test administration. All students who take the grade
87 10 FCAT for the first time in March 2002 and thereafter shall be
88 required to earn the passing scores in reading and mathematics
89 established by the State Board of Education for the March 2002
90 test administration. The State Board of Education shall adopt



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91 rules which specify the passing scores for the grade 10 FCAT.
92 Any such rules, which have the effect of raising the required
93 passing scores, shall only apply to students taking the grade 10
94 FCAT after such rules are adopted by the State Board of
95 Education.

96 6. Participation in the testing program is mandatory for
97 all students attending public school, including students served
98 in Department of Juvenile Justice programs, except as otherwise
99 prescribed by the commissioner. If a student does not
100 participate in the statewide assessment, the district must
101 notify the student's parent and provide the parent with
102 information regarding the implications of such nonparticipation.
103 If modifications are made in the student's instruction to
104 provide modifications ~~accommodations~~ that would not be permitted
105 on the statewide assessment tests, the district must notify the
106 student's parent of the implications of such instructional
107 modifications. A parent must provide signed consent for a
108 student to receive instructional modifications that would not be
109 permitted on the statewide assessment ~~assessments~~ and must
110 acknowledge in writing that he or she understands the
111 implications of such modifications ~~accommodations~~. The State
112 Board of Education shall adopt rules, based upon recommendations
113 of the commissioner, for the provision of test accommodations
114 and modifications of procedures as necessary for students in
115 exceptional education programs and for students who have limited
116 English proficiency. ~~Accommodations that negate the validity of
117 a statewide assessment are not allowable.~~

118 7. A student seeking an adult high school diploma must
119 meet the same testing requirements that a regular high school
120 student must meet.



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121 8. District school boards must provide instruction to
 122 prepare students to demonstrate proficiency in the skills and
 123 competencies necessary for successful grade-to-grade progression
 124 and high school graduation. If a student is provided with
 125 accommodations or modifications that are not allowable in the
 126 statewide assessment program, as described in the test manuals,
 127 the district must inform the parent in writing and must provide
 128 the parent with information regarding the impact on the
 129 student's ability to meet expected proficiency levels in
 130 reading, writing, and math. The commissioner shall conduct
 131 studies as necessary to verify that the required skills and
 132 competencies are part of the district instructional programs.

133 9. The Department of Education must develop, or select,
 134 and implement a common battery of assessment tools that will be
 135 used in all juvenile justice programs in the state. These tools
 136 must accurately measure the skills and competencies established
 137 in the Florida Sunshine State Standards.

138
 139 The commissioner may design and implement student testing
 140 programs, for any grade level and subject area, necessary to
 141 effectively measure educational achievements as established in
 142 the Sunshine State Standards ~~monitor educational achievement in~~
 143 ~~the state.~~ Development and refinement shall include universal
 144 design principles that will prevent any unintended obstacles for
 145 students with disabilities. The field testing process and
 146 psychometric analyses for the statewide assessment program
 147 formats must include students with disabilities and an
 148 evaluation or determination of the impact of test items on such
 149 students.

150 (g)1. Expand the program to include multiple assessment



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151 options leading to a standard high school diploma, including the
152 current version of the FCAT with a broad array of reasonable
153 accommodations and alternate assessment options for students
154 with disabilities to demonstrate their achievement of the skills
155 and competencies of the Sunshine State Standards. Alternate
156 assessment options, such as a portfolio assessment, juried
157 assessment, oral or capability-focused presentation or
158 demonstration, and web-based assessment, shall be developed by
159 the Department of Education to measure the same Sunshine State
160 Standard benchmarks measured by the FCAT.

161 a. School districts shall provide students with
162 disabilities any reasonable accommodation when taking the FCAT
163 or any alternate assessment within the statewide assessment
164 program that has been included as part of the student's
165 individual education plan (IEP) or Section 504 plan and that
166 cannot be demonstrated by the State Accommodations Panel to
167 jeopardize the reliability, validity, or security of the FCAT
168 and that is routinely used in the classroom.

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

172 c. Only options and formats within the statewide
173 assessment program that are developed to be valid for measuring
174 assessment progress toward the benchmarks of the Sunshine State
175 Standards and that reliably measure the performance of students
176 with disabilities shall be administered to such students.

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



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180 e. Statewide assessment development and selection of test
181 items shall include persons with disabilities, experts
182 knowledgeable about testing students in the various
183 disabilities, and persons knowledgeable about assistive
184 technology for students with disabilities.

185 f. A well-defined, well-communicated appeals process shall
186 be developed and implemented so that students with disabilities
187 may appeal certain issues and decisions, including, but not
188 limited to: denial of eligibility for an alternate assessment
189 leading to a standard or special high school diploma; type of
190 alternate assessment to be used; scoring process; disapproval of
191 testing accommodations; failure to implement an approved
192 accommodation; and use of FCAT scores for promotion.

193 g. All students with disabilities shall be included in all
194 school-level activities related to statewide assessment test
195 preparation and school-level remediation activities.

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

198 a. An alternate assessment must be a state uniform system
199 of assessing the achievement and progress of students with
200 disabilities in grades 3 through 10 for whom the FCAT, even with
201 expanded accommodations and formats, is not appropriate.

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

205 c. An alternate assessment must be developed, field
206 tested, validated, and implemented by the State Board of
207 Education, following established guidelines and standards for
208 sound test development and administration.



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209 d. An alternate assessment must have specific criteria for
210 what is addressed, how it is measured, observed, and documented,
211 and how it is scored. The State Board of Education shall
212 develop the scoring process and scoring rubrics appropriate to
213 each type of assessment, grade level, and content area,
214 including reading, writing, science, and mathematics. The State
215 Board of Education shall be responsible for scoring to ensure
216 consistency across all schools and districts.

217 e. Students who are eligible to participate in an
218 alternate assessment must be required to demonstrate the same
219 high levels of performance expected of other students for
220 student progression and to meet the requirements for graduation.
221 Scores on an alternate assessment that are comparable to
222 specific FCAT achievement levels for student progression in
223 grades 3 through 10 and for graduation shall be established by
224 the State Board of Education.

225 f. An alternate assessment must be evaluated by a method
226 that is equal to and indistinguishable from the system used for
227 the FCAT.

228 g. Students who participate in an alternate assessment
229 option within the statewide assessment program must be eligible
230 for all of the programs, services, and activities as students
231 who participate in the FCAT.

232 h. Specific student eligibility criteria shall be
233 established by the State Board of Education in collaboration
234 with a representative group of school district and school
235 educators. Once criteria are established, a student's IEP team
236 or Section 504 team must determine if the student is eligible to
237 participate in the alternate assessment, and for which mode or
238 option.



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239 i. School districts must inform IEP and Section 504 team
240 members, including parents, regarding alternate assessment
241 options within the statewide assessment program.

242 3. Establish a State Accommodations Panel to review,
243 consider, approve, or disapprove new testing accommodations
244 requested by an IEP team or 504 team through the school
245 districts. The State Accommodations Panel shall include a
246 parent, a state testing expert, a state exceptional student
247 education representative, a researcher, a teacher, an assistive
248 technology expert, and other area or content specialists
249 depending on the type of accommodation being considered by the
250 panel. The State Accommodations Panel shall:

251 a. Establish a timely process for decisionmaking,
252 including documentation for requesting and receiving approval or
253 disapproval for requested accommodations.

254 b. Approve assessment accommodations that are part of the
255 student's IEP plan or 504 plan unless research-based evidence
256 demonstrates that the accommodation invalidates the score
257 interpretation.

258 c. Disseminate an annual update of approved and
259 disapproved testing accommodations to parents and school
260 districts using a variety of dissemination mechanisms.

261 d. Review annual reports required by the Department of
262 Education from school districts about reasonable accommodations
263 utilized for students with disabilities within the school
264 districts during any statewide assessment program component
265 administration.

266 e. Eliminate the discrepancy between accommodations
267 available to students in postsecondary education that are not



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268 presently available during the statewide assessment program
269 administration.

270 (h) Require school districts to be accountable for the
271 academic progress of all students and to provide any necessary
272 remediation for students who do not meet grade-level benchmarks
273 relative to the Sunshine State Standards. Assessment scores for
274 all students with disabilities shall be included in the
275 reporting procedures as well as the accountability system of the
276 statewide assessment program.

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