

Bill No. SB 2546

Amendment No. 1 Barcode 042782

CHAMBER ACTION

Senate

House

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The Committee on Education recommended the following amendment  
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**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended, subsection (9) is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

1008.22 Student assessment program for public schools.--

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

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

8 1. The tests measure student skills and competencies  
9 adopted by the State Board of Education as specified in  
10 paragraph (a). The tests must measure and report student  
11 proficiency levels in reading, writing, mathematics, and  
12 science. The commissioner shall provide for the tests to be  
13 developed or obtained, as appropriate, through contracts and  
14 project agreements with private vendors, public vendors,  
15 public agencies, postsecondary educational institutions, or  
16 school districts. The commissioner shall obtain input with  
17 respect to the design and implementation of the testing  
18 program from state educators and the public.

19 2. The testing program will include a combination of  
20 norm-referenced and criterion-referenced tests and include, to  
21 the extent determined by the commissioner, questions that  
22 require the student to produce information or perform tasks in  
23 such a way that the skills and competencies he or she uses can  
24 be measured.

25 3. Each testing program, whether at the elementary,  
26 middle, or high school level, includes a test of writing in  
27 which students are required to produce writings that are then  
28 scored by appropriate methods.

29 4. A score is designated for each subject area tested,  
30 below which score a student's performance is deemed  
31 inadequate. The school districts shall provide appropriate

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1 remedial instruction to students who score below these levels.  
2       5. Except as provided in s. 1003.43(11), students must  
3 earn a passing score on the grade 10 assessment test described  
4 in this paragraph, or the assessment as described in  
5 subsection (9), in reading, writing, and mathematics to  
6 qualify for a regular high school diploma. The State Board of  
7 Education shall designate a passing score for each part of the  
8 grade 10 assessment test. In establishing passing scores, the  
9 state board shall consider any possible negative impact of the  
10 test on minority students. All students who took the grade 10  
11 FCAT during the 2000-2001 school year shall be required to  
12 earn the passing scores in reading and mathematics established  
13 by the State Board of Education for the March 2001 test  
14 administration. Such students who did not earn the established  
15 passing scores and must repeat the grade 10 FCAT are required  
16 to earn the passing scores established for the March 2001 test  
17 administration. All students who take the grade 10 FCAT for  
18 the first time in March 2002 and thereafter shall be required  
19 to earn the passing scores in reading and mathematics  
20 established by the State Board of Education for the March 2002  
21 test administration. The State Board of Education shall adopt  
22 rules which specify the passing scores for the grade 10 FCAT.  
23 Any such rules, which have the effect of raising the required  
24 passing scores, shall only apply to students taking the grade  
25 10 FCAT after such rules are adopted by the State Board of  
26 Education.  
27       6. Participation in the testing program is mandatory  
28 for all students attending public school, including students  
29 served in Department of Juvenile Justice programs, except as  
30 otherwise prescribed by the commissioner. If a student does  
31 not participate in the statewide assessment, the district must

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1 | notify the student's parent and provide the parent with  
2 | information regarding the implications of such  
3 | nonparticipation. If modifications are made in the student's  
4 | instruction to provide accommodations that would not be  
5 | permitted on the statewide assessment tests, the district must  
6 | notify the student's parent of the implications of such  
7 | instructional modifications. A parent must provide signed  
8 | consent for a student to receive instructional modifications  
9 | that would not be permitted on the statewide assessments and  
10 | must acknowledge in writing that he or she understands the  
11 | implications of such accommodations. The State Board of  
12 | Education shall adopt rules, based upon recommendations of the  
13 | commissioner, for the provision of test accommodations and  
14 | modifications of procedures as necessary for students in  
15 | exceptional education programs and for students who have  
16 | limited English proficiency. Accommodations that negate the  
17 | validity of a statewide assessment are not allowable.

18 |         7. A student seeking an adult high school diploma must  
19 | meet the same testing requirements that a regular high school  
20 | student must meet.

21 |         8. District school boards must provide instruction to  
22 | prepare students to demonstrate proficiency in the skills and  
23 | competencies necessary for successful grade-to-grade  
24 | progression and high school graduation. If a student is  
25 | provided with accommodations or modifications that are not  
26 | allowable in the statewide assessment program, as described in  
27 | the test manuals, the district must inform the parent in  
28 | writing and must provide the parent with information regarding  
29 | the impact on the student's ability to meet expected  
30 | proficiency levels in reading, writing, and math. The  
31 | commissioner shall conduct studies as necessary to verify that

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1 the required skills and competencies are part of the district  
2 instructional programs.

3 9. The Department of Education must develop, or  
4 select, and implement a common battery of assessment tools  
5 that will be used in all juvenile justice programs in the  
6 state. These tools must accurately measure the skills and  
7 competencies established in the Florida Sunshine State  
8 Standards.

9  
10 The commissioner may design and implement student testing  
11 programs, for any grade level and subject area, necessary to  
12 effectively monitor educational achievement in the state.

13 (9) The State Board of Education shall adopt rules to  
14 authorize a student whose native language is Spanish or Creole  
15 to take the FCAT in the student's native language. A student  
16 may take the FCAT in his or her native language if the  
17 student's native language is Spanish or Creole, pursuant to  
18 rules of the State Board of Education.

19 Section 2. Subsections (11) and (12) of section  
20 1003.43 are redesignated as subsections (12) and (13),  
21 respectively, and a new subsection (11) is added to that  
22 section to read:

23 1003.43 General requirements for high school  
24 graduation.--

25 (11) A student who meets the following criteria shall  
26 have the FCAT requirement in s. 1003.43(5)(a) waived for the  
27 purpose of receiving a standard high school diploma, if the  
28 student:

29 (a) Has been enrolled in an ESOL program for less than  
30 two years;

31 (b) Has a cumulative grade point average of at least

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1 2.5 on a 4.0 scale;

2 (c) Has failed the FCAT each time;

3 (d) Has exhausted all opportunities to retake the

4 FCAT; and

5 (e) His or her native language is not English,

6 Spanish, or Creole.

7 Section 3. The State Board of Education shall conduct  
8 a concordance study to determine if crosswalk scores can be  
9 determined to be equivalent to those required on the FCAT for  
10 high school graduation. At a minimum, the State Board of  
11 Education shall analyze the PSAT, PLAN, SAT, ACT, and the  
12 College Placement Test to determine if equivalent scores can  
13 be determined. In cases where such equivalences can be  
14 determined, the State Board of Education may adopt those  
15 scores as meeting the graduation requirement in lieu of the  
16 FCAT cut score. Each time the score is changed, new  
17 equivalences must be determined. The provision shall take  
18 effect for students who are eligible to graduate in the  
19 2002-2003 academic year, and the Department of Education may  
20 use unexpended Bright Futures/CLEP program funding for  
21 2002-2003 to ensure the study is completed in time to  
22 authorize graduation for students who may have received an  
23 equivalent score authorized under this section.

24 Section 4. This act shall take effect July 1, 2003.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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31 and insert:

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A bill to be entitled  
An act relating to public school student  
assessment; amending s. 1003.43, F.S., relating  
to high school graduation requirements;  
requiring the State Board of Education to adopt  
rules; requiring the award of a standard  
diploma to certain ESOL students who meet  
certain criteria; amending s. 1008.22, F.S.,  
relating to student assessment for public  
schools; providing a cross-reference; providing  
for assessments for the 10th-grade testing  
requirement administered to certain high school  
students; requiring the State Board of  
Education to conduct a study of equivalency  
scores for certain examinations; authorizing  
the State Board to adopt certain equivalency  
scores as meeting graduation requirements in  
lieu of FCAT passing scores; defining eligible  
students; providing an effective date.