

Bill No. SB 2546

Amendment No. Barcode 872684

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Diaz de la Portilla moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 5, between lines 28-29,		
15			
16	insert:		
17	Section 2. Section 1003.433, Florida Statutes, is		
18	created to read:		
19	<u>1003.433 Learning opportunities for out-of-state and</u>		
20	<u>out-of-country transfer students and students needing</u>		
21	<u>additional instruction to meet high school graduation</u>		
22	<u>requirements.--</u>		
23	<u>(1) Students who enter a Florida public school at the</u>		
24	<u>eleventh or twelfth grade from out of state or from a foreign</u>		
25	<u>country shall not be required to spend additional time in a</u>		
26	<u>Florida public school in order to meet the high school course</u>		
27	<u>requirements if the student has met all requirements of the</u>		
28	<u>school district, state, or country from which he or she is</u>		
29	<u>transferring. Such students who are not proficient in English</u>		
30	<u>should receive immediate and intensive instruction in English</u>		
31	<u>language acquisition. However, to receive a standard high</u>		

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1 school diploma, a transfer student must earn a 2.0 grade point
2 average and pass the grade 10 FCAT required in s. 1008.22(3)
3 or an alternate assessment as described in s. 1008.22(9).

4 (2) Students who have met all requirements for the
5 standard high school diploma except for passage of the grade
6 10 FCAT or an alternate assessment by the end of grade 12 must
7 be provided the following learning opportunities:

8 (a) Participation in an accelerated high school
9 equivalency diploma preparation program during the summer.

10 (b) Upon receipt of a certificate of completion, be
11 allowed to take the College Placement Test and be admitted to
12 remedial or credit courses at a state community college, as
13 appropriate.

14 (c) Participation in an adult general education
15 program as provided in s. 1004.93 for such time as the student
16 requires to master English, reading, mathematics, or any other
17 subject required for high school graduation. Students
18 attending adult basic, adult secondary, or
19 vocational-preparatory instruction are exempt from any
20 requirement for the payment of tuition and fees, including lab
21 fees, pursuant to s. 1009.25. A student attending an adult
22 general education program shall have the opportunity to take
23 the grade 10 FCAT an unlimited number of times in order to
24 receive a standard high school diploma.

25 (3) Students who have been enrolled in an ESOL program
26 for less than 2 school years and have met all requirements for
27 the standard high school diploma except for passage of the
28 grade 10 FCAT or alternate assessment may receive immersion
29 English language instruction during the summer following their
30 senior year. Students receiving such instruction are eligible
31 to take the FCAT or alternate assessment and receive a

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1 standard high school diploma upon passage of the grade 10 FCAT
2 or the alternate assessment. This subsection shall be
3 implemented to the extent funding is provided in the General
4 Appropriations Act.

5 (4) The State Board of Education may adopt rules
6 pursuant to ss. 120.536(1) and 120.54 to administer this
7 section.

8 Section 3. Paragraph (c) of subsection (3) of section
9 1008.22, Florida Statutes, is amended, subsection (9) is
10 renumbered as subsection (10), and a new subsection (9) is
11 added to said section, to read:

12 1008.22 Student assessment program for public
13 schools.--

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

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

29 1. The tests measure student skills and competencies
30 adopted by the State Board of Education as specified in
31 paragraph (a). The tests must measure and report student

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1 proficiency levels in reading, writing, mathematics, and
2 science. The commissioner shall provide for the tests to be
3 developed or obtained, as appropriate, through contracts and
4 project agreements with private vendors, public vendors,
5 public agencies, postsecondary educational institutions, or
6 school districts. The commissioner shall obtain input with
7 respect to the design and implementation of the testing
8 program from state educators and the public.

9 2. The testing program will include a combination of
10 norm-referenced and criterion-referenced tests and include, to
11 the extent determined by the commissioner, questions that
12 require the student to produce information or perform tasks in
13 such a way that the skills and competencies he or she uses can
14 be measured.

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

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

23 5. Students must earn a passing score on the grade 10
24 assessment test described in this paragraph or on an alternate
25 assessment as described in subsection (9) in reading, writing,
26 and mathematics to qualify for a regular high school diploma.
27 The State Board of Education shall designate a passing score
28 for each part of the grade 10 assessment test. In establishing
29 passing scores, the state board shall consider any possible
30 negative impact of the test on minority students. All students
31 who took the grade 10 FCAT during the 2000-2001 school year

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1 shall be required to earn the passing scores in reading and
2 mathematics established by the State Board of Education for
3 the March 2001 test administration. Such students who did not
4 earn the established passing scores and must repeat the grade
5 10 FCAT are required to earn the passing scores established
6 for the March 2001 test administration. All students who take
7 the grade 10 FCAT for the first time in March 2002 and
8 thereafter shall be required to earn the passing scores in
9 reading and mathematics established by the State Board of
10 Education for the March 2002 test administration. The State
11 Board of Education shall adopt rules which specify the passing
12 scores for the grade 10 FCAT. Any such rules, which have the
13 effect of raising the required passing scores, shall only
14 apply to students taking the grade 10 FCAT after such rules
15 are adopted by the State Board of Education.

16 6. Participation in the testing program is mandatory
17 for all students attending public school, including students
18 served in Department of Juvenile Justice programs, except as
19 otherwise prescribed by the commissioner. If a student does
20 not participate in the statewide assessment, the district must
21 notify the student's parent and provide the parent with
22 information regarding the implications of such
23 nonparticipation. If modifications are made in the student's
24 instruction to provide accommodations that would not be
25 permitted on the statewide assessment tests, the district must
26 notify the student's parent of the implications of such
27 instructional modifications. A parent must provide signed
28 consent for a student to receive instructional modifications
29 that would not be permitted on the statewide assessments and
30 must acknowledge in writing that he or she understands the
31 implications of such accommodations. The State Board of

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1 Education shall adopt rules, based upon recommendations of the
2 commissioner, for the provision of test accommodations and
3 modifications of procedures as necessary for students in
4 exceptional education programs and for students who have
5 limited English proficiency. Accommodations that negate the
6 validity of a statewide assessment are not allowable.

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

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

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

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30 The commissioner may design and implement student
31 testing programs, for any grade level and subject area,

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1 necessary to effectively monitor educational achievement in
2 the state.

3 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The State
4 Board of Education shall study the comparable validity of
5 other available standardized tests, including the SAT, ACT,
6 College Placement Test, PSAT, PLAN, and tests used for entry
7 into the military, and shall report its findings to the
8 Governor, the President of the Senate, and the Speaker of the
9 House of Representatives by December 31, 2003. If such tests
10 are deemed to be valid and reliable measures, the State Board
11 of Education shall adopt scores on such tests that will equate
12 to the FCAT passing rate for purposes of high school
13 graduation. If no existing standardized assessment is deemed
14 to be a valid and reliable measure, the State Board of
15 Education may initiate the development of a valid and reliable
16 alternate assessment. Students who attain scores that equate
17 to the FCAT passing rate for purposes of high school
18 graduation on one of the approved tests shall satisfy the
19 assessment requirement for a standard high school diploma as
20 provided in s. 1003.43(5)(a).

21
22 (Redesignate subsequent sections.)

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24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 6, after the semicolon,
28
29 insert:
30 creating s. 1003.433, F.S.; providing learning
31 opportunities for certain students to meet high

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1 school graduation requirements; providing
2 requirements for certain transfer students;
3 authorizing alternate assessments; authorizing
4 rules; amending s. 1008.22, F.S., relating to
5 student assessment for public schools;
6 providing for alternate assessments for the
7 grade 10 FCAT; providing an effective date.

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