

By Senator Diaz de la Portilla

36-1808-03

See HB 467

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A bill to be entitled
An act relating to public school student
assessment; amending s. 1008.22, F.S.;
authorizing certain students to take the grade
10 FCAT in their native language under certain
circumstances; providing an effective date.

WHEREAS, the Legislature finds that there are a
significant number of twelfth grade students in Florida who
have recently arrived in the United States and have not had
the opportunity to become sufficiently competent in the use of
the English language to enable them to demonstrate proficiency
in the statewide assessment program, and

WHEREAS, it is the intent of the Legislature to permit
such students to demonstrate competence in the performance
measures of the grade 10 FCAT in their native language, NOW,
THEREFORE,

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 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.

1 Pursuant to the statewide assessment program, the commissioner
2 shall:

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

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

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

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

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

5 5.a. Students must earn a passing score on the grade
6 10 assessment test described in this paragraph in reading,
7 writing, and mathematics to qualify for a regular high school
8 diploma. The State Board of Education shall designate a
9 passing score for each part of the grade 10 assessment test.
10 In establishing passing scores, the state board shall consider
11 any possible negative impact of the test on minority students.
12 All students who took the grade 10 FCAT during the 2000-2001
13 school year shall be required to earn the passing scores in
14 reading and mathematics established by the State Board of
15 Education for the March 2001 test administration. Such
16 students who did not earn the established passing scores and
17 must repeat the grade 10 FCAT are required to earn the passing
18 scores established for the March 2001 test administration. All
19 students who take the grade 10 FCAT for the first time in
20 March 2002 and thereafter shall be required to earn the
21 passing scores in reading and mathematics established by the
22 State Board of Education for the March 2002 test
23 administration. The State Board of Education shall adopt rules
24 which specify the passing scores for the grade 10 FCAT. Any
25 such rules, which have the effect of raising the required
26 passing scores, shall only apply to students taking the grade
27 10 FCAT after such rules are adopted by the State Board of
28 Education.

29 b. A student in grade 12 who is enrolled in the ESOL
30 program and has arrived in the United States within 1 year
31 prior to taking the grade 10 FCAT for the first time is

1 eligible to take the grade 10 FCAT in his or her native
2 language one time if he or she does not earn the established
3 passing scores when taking the FCAT in English. If such
4 student is unable to achieve the established passing scores
5 for the grade 10 FCAT when taken in his or her native
6 language, the student must subsequently take the grade 10 FCAT
7 in English. The Commissioner of Education shall implement the
8 provisions of this sub-subparagraph allowing school districts
9 to make appropriate accommodations and adjustments, including
10 establishing time requirements, where unusual situations
11 exist.

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

1 limited English proficiency. Accommodations that negate the
2 validity of a 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 monitor educational achievement in the state.

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