

**+HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 467 w/CS Relating to Public School Student Assessment  
**SPONSOR(S):** Rep. Quinones  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2546

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education Innovation (Sub)	6 Y, 0 N	Acosta	Bohannon
2) Education K-20	20Y, 4N	Ager	Bohannon
3) Education Appropriations (Sub)	14 Y, 0 N	Mizereck	Mizereck
4) Appropriations			
5)			

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**SUMMARY ANALYSIS**

The Florida Comprehensive Assessment Test (FCAT) was designed to measure the performance of students in Florida's schools. To qualify for a standard high school diploma, students must earn a passing score on the Grade 10 FCAT. Students who do not earn the passing score set by the Florida Board of Education will not receive a standard high school diploma.

Under current law, students must take the FCAT in English, regardless of their enrollment in an ESOL program or their level of proficiency in the English language. As a result, when such students receive a low or failing score on the FCAT, a question arises as to whether the result is attributable to the student's lack of understanding of the subject matter or to a lack of proficiency in the English language. In either case, the inability to successfully pass the Grade 10 FCAT may diminish the student's ability to seek a postsecondary education.

The bill allows a student who meets certain requirements to be awarded a standard high school diploma without having to earn a passing score on the FCAT. To qualify for this exemption, the student must satisfy **all** of the following:

- Take the 10<sup>th</sup> grade FCAT, but fail to earn a passing score.
- Not have another opportunity to take the FCAT before the student is scheduled to graduate from Grade 12.
- Be enrolled in an ESOL program for less than two school years.
- Have a 2.5 cumulative grade point average on a 4.0 scale.

Additionally, the bill requires each district school board to prepare Limited English proficient students to demonstrate proficiency for successful progression through school and graduation. The bill also directs the State Board of Education to study the comparable validity of other available standardized tests. The bill allows the State Board of Education to initiate the development of a valid and reliable alternate assessment.

This bill will have an indeterminate fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0467e.ap.doc  
**DATE:** April 16, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Section 1003.43, F.S., prescribes the requirements for high school graduation. Under current law, beginning in the current school year, students are required to pass the 10<sup>th</sup> grade FCAT as a condition of receiving a standard high school diploma. Students must take the FCAT in English, regardless of their enrollment in an ESOL program or their level of proficiency in the English language. As a result, when such students receive a low or failing score on the FCAT, a question arises as to whether the result is attributable to the student’s lack of understanding of the subject matter or to a lack of proficiency in the English language. In either case, the inability to successfully pass the Grade 10 FCAT may diminish the student’s ability to seek a postsecondary education.

The bill creates a new subsection (11) for s. 1003.43, F.S., in order to allow a student who meets certain requirements to be awarded a standard high school diploma without having to earn a passing score on the FCAT. To qualify for this exemption, the student must satisfy **all** of the following:

- Take the 10<sup>th</sup> grade FCAT, but fail to earn a passing score.
- Not have another opportunity to take the FCAT before the student is scheduled to graduate from Grade 12.
- Be enrolled in an ESOL program for less than two school years.
- Have a 2.5 cumulative grade point average on a 4.0 scale.

Additionally, the bill requires each district school board to prepare Limited English proficient students to demonstrate proficiency for successful progression through school and graduation.

Section 1008.22, F.S., governs the statewide student assessment system for public schools. The bill amends the requirement of the statewide assessment system that students must earn a passing score on the 10<sup>th</sup> grade FCAT in order to qualify for a regular high school diploma to except from that requirement students for whom the requirement is waived pursuant to s. 1003.43(11)(b), F.S., as created in the bill.

The bill also amends s. 1008.22, F.S., relating to statewide assessments, and directs the State Board of Education to study the comparable validity of other available standardized tests. Other available standardized tests include the SAT, ACT, College Placement Test, and tests used for entry into the military. If these tests are deemed to be valid and reliable measures, then the bill provides that the State Board of Education must provide in rule that the scores from those tests will equate to the FCAT passing rate for purposes of high school graduation. Students who attain scores that equate to the requisite FCAT passing rate on an approved test shall satisfy the assessment requirement for a standard high school diploma. The bill also allows the State Board of Education to initiate the development of a valid and reliable alternate assessment.

The bill takes effect upon becoming a law.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.43, F.S., which provides general requirements for high school graduation, to provide a waiver of the 10<sup>th</sup> grade FCAT requirement in certain circumstances.

**Section 2.** Amends s. 1008.22, F.S., which relates to public school student assessment, to conform to the amendment to s. 1003.43, F.S.; requires the State Board of Education to study the comparable validity of other available standardized tests; allows the State Board of Education to initiate the development of a valid and reliable alternate assessment.

**Section 3.** Provides that the bill takes effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please refer to "Fiscal Comments" below.

2. Expenditures:

Please refer to "Fiscal Comments" below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

This bill has an indeterminate fiscal impact, to the extent that it results in any of the following:

- **A decrease in students who must retake the FCAT.** There could be a decrease in expenditures for FCAT testing if more students are able to pass the FCAT on the first opportunity as fewer students will need to participate in additional test opportunities. This decrease may result in an increase in revenues available for expenditure on other purposes.
- **A decrease in students who must take remedial classes or be held back in school because of failing FCAT scores.** If students can pass the FCAT in their native language, there may be a decrease in expenditures associated with students who will not need to take remedial classes or be held back in school.
- **An increase in the administration cost of the FCAT.** Administering the FCAT in a language other than English would require that the exam and exam answer key be translated to several other

languages. The exam may also have to be proctored by education staff that is fluent in the additional languages in which the exam is offered in order to answer questions that the students may have during the exam.

- **An increase in students who are able to seek a postsecondary education.** Students who pass the FCAT will be able to receive a standard high school diploma. This will allow them to seek a postsecondary education. These opportunities may help students become self-sufficient and productive members of society.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect any municipal or county government.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

This bill provides the State Board of Education with rulemaking authority to implement the provisions of the bill.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

As originally filed, the bill amended paragraph (c) of Subsection (3) of s. 1008.22, F.S., to allow 12<sup>th</sup> grade students who are enrolled in ESOL and who arrived in the United States of America within one year prior to taking, but failing to pass, the 10<sup>th</sup> grade FCAT for the first time one opportunity to take the FCAT in the student's native language. On April 14, 2003, the Committee on Education K-20 adopted a strike-all amendment to the bill that made the changes described in this analysis.

On April 15, 2003, the House Education Appropriations Subcommittee adopted two amendments further clarifying which students would qualify for the waiver. Amendment one requires that the student has arrived in the United States within one year before their last opportunity to take the FCAT in grade 10, and clarifies that all three conditions must be met. Amendment two repeals the act upon the completion of the required study or on July 1, 2004.