



HB 0467

2003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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.  
Pursuant to the statewide assessment program, the commissioner  
shall:



HB 0467

2003

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

37 1. The tests measure student skills and competencies  
38 adopted by the State Board of Education as specified in  
39 paragraph (a). The tests must measure and report student  
40 proficiency levels in reading, writing, mathematics, and  
41 science. The commissioner shall provide for the tests to be  
42 developed or obtained, as appropriate, through contracts and  
43 project agreements with private vendors, public vendors, public  
44 agencies, postsecondary educational institutions, or school  
45 districts. The commissioner shall obtain input with respect to  
46 the design and implementation of the testing program from state  
47 educators and the public.

48 2. The testing program will include a combination of norm-  
49 referenced and criterion-referenced tests and include, to the  
50 extent determined by the commissioner, questions that require  
51 the student to produce information or perform tasks in such a  
52 way that the skills and competencies he or she uses can be  
53 measured.

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

58 4. A score is designated for each subject area tested,  
59 below which score a student's performance is deemed inadequate.



HB 0467

2003

60 The school districts shall provide appropriate remedial  
61 instruction to students who score below these levels.

62 5.a. Students must earn a passing score on the grade 10  
63 assessment test described in this paragraph in reading, writing,  
64 and mathematics to qualify for a regular high school diploma.  
65 The State Board of Education shall designate a passing score for  
66 each part of the grade 10 assessment test. In establishing  
67 passing scores, the state board shall consider any possible  
68 negative impact of the test on minority students. All students  
69 who took the grade 10 FCAT during the 2000-2001 school year  
70 shall be required to earn the passing scores in reading and  
71 mathematics established by the State Board of Education for the  
72 March 2001 test administration. Such students who did not earn  
73 the established passing scores and must repeat the grade 10 FCAT  
74 are required to earn the passing scores established for the  
75 March 2001 test administration. All students who take the grade  
76 10 FCAT for the first time in March 2002 and thereafter shall be  
77 required to earn the passing scores in reading and mathematics  
78 established by the State Board of Education for the March 2002  
79 test administration. The State Board of Education shall adopt  
80 rules which specify the passing scores for the grade 10 FCAT.  
81 Any such rules, which have the effect of raising the required  
82 passing scores, shall only apply to students taking the grade 10  
83 FCAT after such rules are adopted by the State Board of  
84 Education.

85 b. A student in grade 12 who is enrolled in the ESOL  
86 program and has arrived in the United States within 1 year prior  
87 to taking the grade 10 FCAT for the first time is eligible to  
88 take the grade 10 FCAT in his or her native language one time if  
89 he or she does not earn the established passing scores when



HB 0467

2003

90 taking the FCAT in English. If such student is unable to achieve  
91 the established passing scores for the grade 10 FCAT when taken  
92 in his or her native language, the student must subsequently  
93 take the grade 10 FCAT in English. The Commissioner of Education  
94 shall implement the provisions of this sub-subparagraph allowing  
95 school districts to make appropriate accommodations and  
96 adjustments, including establishing time requirements, where  
97 unusual situations exist.

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



HB 0467

2003

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

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

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

140  
141 The commissioner may design and implement student testing  
142 programs, for any grade level and subject area, necessary to  
143 effectively monitor educational achievement in the state.

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