



CHAMBER ACTION

The Committee on Education K-20 recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

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 district school boards to provide certain instruction to limited English proficient students; requiring the award of a standard diploma to certain ESOL students who meet specified criteria; amending s. 1008.22, F.S., relating to student assessment for public schools; providing a cross reference; providing for alternate assessments for the grade 10 FCAT; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (11) and (12) of section 1003.43, Florida Statutes, are renumbered as subsections (12) and (13), respectively, and a new subsection (11) is added to said section to read:

1003.43 General requirements for high school graduation.--



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29        (11)(a) Each district school board must provide  
30 instruction to prepare limited English proficient students to  
31 demonstrate proficiency in the skills and competencies necessary  
32 for successful grade-to-grade progression and high school  
33 graduation.

34        (b) A student who has been enrolled in an ESOL program for  
35 less than 2 school years shall have the FCAT requirement of  
36 paragraph (5)(a) waived for the purpose of receiving a standard  
37 high school diploma, if the student:

38            1. Has a cumulative grade point average of 2.5 or above,  
39 on a 4.0 scale.

40            2. Does not meet the requirements of paragraph (5)(a)  
41 after one opportunity and will not have another opportunity to  
42 participate in the FCAT prior to the end of grade 12.

43        Section 2. Paragraph (c) of subsection (3) of section  
44 1008.22, Florida Statutes, is amended, subsection (9) is  
45 renumbered as subsection (10), and a new subsection (9) is added  
46 to said section, to read:

47        1008.22 Student assessment program for public schools.--

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



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

63 1. The tests measure student skills and competencies  
64 adopted by the State Board of Education as specified in  
65 paragraph (a). The tests must measure and report student  
66 proficiency levels in reading, writing, mathematics, and  
67 science. The commissioner shall provide for the tests to be  
68 developed or obtained, as appropriate, through contracts and  
69 project agreements with private vendors, public vendors, public  
70 agencies, postsecondary educational institutions, or school  
71 districts. The commissioner shall obtain input with respect to  
72 the design and implementation of the testing program from state  
73 educators and the public.

74 2. The testing program will include a combination of norm-  
75 referenced and criterion-referenced tests and include, to the  
76 extent determined by the commissioner, questions that require  
77 the student to produce information or perform tasks in such a  
78 way that the skills and competencies he or she uses can be  
79 measured.

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



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

88 | 5. Except as provided in s. 1003.43(11)(b), students must  
89 | earn a passing score on the grade 10 assessment test described  
90 | in this paragraph or on an alternate assessment as described in  
91 | subsection (9) in reading, writing, and mathematics to qualify  
92 | for a regular high school diploma. The State Board of Education  
93 | shall designate a passing score for each part of the grade 10  
94 | assessment test. In establishing passing scores, the state board  
95 | shall consider any possible negative impact of the test on  
96 | minority students. All students who took the grade 10 FCAT  
97 | during the 2000-2001 school year shall be required to earn the  
98 | passing scores in reading and mathematics established by the  
99 | State Board of Education for the March 2001 test administration.  
100 | Such students who did not earn the established passing scores  
101 | and must repeat the grade 10 FCAT are required to earn the  
102 | passing scores established for the March 2001 test  
103 | administration. All students who take the grade 10 FCAT for the  
104 | first time in March 2002 and thereafter shall be required to  
105 | earn the passing scores in reading and mathematics established  
106 | by the State Board of Education for the March 2002 test  
107 | administration. The State Board of Education shall adopt rules  
108 | which specify the passing scores for the grade 10 FCAT. Any  
109 | such rules, which have the effect of raising the required  
110 | passing scores, shall only apply to students taking the grade 10



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111 FCAT after such rules are adopted by the State Board of  
112 Education.

113         6. Participation in the testing program is mandatory for  
114 all students attending public school, including students served  
115 in Department of Juvenile Justice programs, except as otherwise  
116 prescribed by the commissioner. If a student does not  
117 participate in the statewide assessment, the district must  
118 notify the student's parent and provide the parent with  
119 information regarding the implications of such nonparticipation.  
120 If modifications are made in the student's instruction to  
121 provide accommodations that would not be permitted on the  
122 statewide assessment tests, the district must notify the  
123 student's parent of the implications of such instructional  
124 modifications. A parent must provide signed consent for a  
125 student to receive instructional modifications that would not be  
126 permitted on the statewide assessments and must acknowledge in  
127 writing that he or she understands the implications of such  
128 accommodations. The State Board of Education shall adopt rules,  
129 based upon recommendations of the commissioner, for the  
130 provision of test accommodations and modifications of procedures  
131 as necessary for students in exceptional education programs and  
132 for students who have limited English proficiency.  
133 Accommodations that negate the validity of a statewide  
134 assessment are not allowable.

135         7. A student seeking an adult high school diploma must  
136 meet the same testing requirements that a regular high school  
137 student must meet.



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138 8. District school boards must provide instruction to  
139 prepare students to demonstrate proficiency in the skills and  
140 competencies necessary for successful grade-to-grade progression  
141 and high school graduation. If a student is provided with  
142 accommodations or modifications that are not allowable in the  
143 statewide assessment program, as described in the test manuals,  
144 the district must inform the parent in writing and must provide  
145 the parent with information regarding the impact on the  
146 student's ability to meet expected proficiency levels in  
147 reading, writing, and math. The commissioner shall conduct  
148 studies as necessary to verify that the required skills and  
149 competencies are part of the district instructional programs.

150 9. The Department of Education must develop, or select,  
151 and implement a common battery of assessment tools that will be  
152 used in all juvenile justice programs in the state. These tools  
153 must accurately measure the skills and competencies established  
154 in the Florida Sunshine State Standards.

155  
156 The commissioner may design and implement student testing  
157 programs, for any grade level and subject area, necessary to  
158 effectively monitor educational achievement in the state.

159 (9) ALTERNATE ASSESSMENTS.--The State Board of Education  
160 shall study the comparable validity of other available  
161 standardized tests, including the SAT, ACT, College Placement  
162 Test, and tests used for entry into the military. If such tests  
163 are deemed to be valid and reliable measures, the State Board of  
164 Education shall adopt scores on such tests that will equate to  
165 the FCAT passing rate for purposes of high school graduation. If



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166 no existing standardized assessment is deemed to be a valid and  
167 reliable measure, the State Board of Education may initiate the  
168 development of a valid and reliable alternate assessment.  
169 Students who attain scores that equate to the FCAT passing rate  
170 for purposes of high school graduation on one of the approved  
171 tests shall satisfy the assessment requirement for a standard  
172 high school diploma as provided in s. 1003.43(5)(a).

173 Section 3. This act shall take effect upon becoming a law.  
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