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CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; 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. Section 1003.433, Florida Statutes, is created to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.--



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28 (1) Students who enter a Florida public school at the
29 eleventh or twelfth grade from out of state or from a foreign
30 country shall not be required to spend additional time in a
31 Florida public school in order to meet the high school course
32 requirements if the student has met all requirements of the
33 school district, state, or country from which he or she is
34 transferring. Such students who are not proficient in English
35 should receive immediate and intensive instruction in English
36 language acquisition. However, to receive a standard high school
37 diploma, a transfer student must earn a 2.0 grade point average
38 and pass the grade 10 FCAT required in s. 1008.22(3) or an
39 alternate assessment as described in s. 1008.22(9).

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

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

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

49 (c) Participation in an adult general education program as
50 provided in s. 1004.93 for such time as the student requires to
51 master English, reading, mathematics, or any other subject
52 required for high school graduation. Students attending adult
53 basic, adult secondary, or vocational-preparatory instruction
54 are exempt from any requirement for the payment of tuition and
55 fees, including lab fees, pursuant to s. 1009.25. A student



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56 attending an adult general education program shall have the
57 opportunity to take the grade 10 FCAT an unlimited number of
58 times in order to receive a standard high school diploma.

59 (3) Students who have been enrolled in an ESOL program for
60 less than 2 school years and have met all requirements for the
61 standard high school diploma except for passage of the grade 10
62 FCAT or alternate assessment may receive immersion English
63 language instruction during the summer following their senior
64 year. Students receiving such instruction are eligible to take
65 the FCAT or alternate assessment and receive a standard high
66 school diploma upon passage of the grade 10 FCAT or the
67 alternate assessment. This subsection shall be implemented to
68 the extent funding is provided in the General Appropriations
69 Act.

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

72 Section 2. Paragraph (c) of subsection (3) of section
73 1008.22, Florida Statutes, is amended, subsection (9) is
74 renumbered as subsection (10), and a new subsection (9) is added
75 to said section, to read:

76 1008.22 Student assessment program for public schools.--

77 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
78 design and implement a statewide program of educational
79 assessment that provides information for the improvement of the
80 operation and management of the public schools, including
81 schools operating for the purpose of providing educational
82 services to youth in Department of Juvenile Justice programs.



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83 Pursuant to the statewide assessment program, the commissioner
84 shall:

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

92 1. The tests measure student skills and competencies
93 adopted by the State Board of Education as specified in
94 paragraph (a). The tests must measure and report student
95 proficiency levels in reading, writing, mathematics, and
96 science. The commissioner shall provide for the tests to be
97 developed or obtained, as appropriate, through contracts and
98 project agreements with private vendors, public vendors, public
99 agencies, postsecondary educational institutions, or school
100 districts. The commissioner shall obtain input with respect to
101 the design and implementation of the testing program from state
102 educators and the public.

103 2. The testing program will include a combination of norm-
104 referenced and criterion-referenced tests and include, to the
105 extent determined by the commissioner, questions that require
106 the student to produce information or perform tasks in such a
107 way that the skills and competencies he or she uses can be
108 measured.

109 3. Each testing program, whether at the elementary,
110 middle, or high school level, includes a test of writing in



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111 | which students are required to produce writings that are then
112 | scored by appropriate methods.

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

117 | 5. Students must earn a passing score on the grade 10
118 | assessment test described in this paragraph or on an alternate
119 | assessment as described in subsection (9) in reading, writing,
120 | and mathematics to qualify for a regular high school diploma.
121 | The State Board of Education shall designate a passing score for
122 | each part of the grade 10 assessment test. In establishing
123 | passing scores, the state board shall consider any possible
124 | negative impact of the test on minority students. All students
125 | who took the grade 10 FCAT during the 2000-2001 school year
126 | shall be required to earn the passing scores in reading and
127 | mathematics established by the State Board of Education for the
128 | March 2001 test administration. Such students who did not earn
129 | the established passing scores and must repeat the grade 10 FCAT
130 | are required to earn the passing scores established for the
131 | March 2001 test administration. All students who take the grade
132 | 10 FCAT for the first time in March 2002 and thereafter shall be
133 | required to earn the passing scores in reading and mathematics
134 | established by the State Board of Education for the March 2002
135 | test administration. The State Board of Education shall adopt
136 | rules which specify the passing scores for the grade 10 FCAT.
137 | Any such rules, which have the effect of raising the required
138 | passing scores, shall only apply to students taking the grade 10



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139 FCAT after such rules are adopted by the State Board of
140 Education.

141 6. Participation in the testing program is mandatory for
142 all students attending public school, including students served
143 in Department of Juvenile Justice programs, except as otherwise
144 prescribed by the commissioner. If a student does not
145 participate in the statewide assessment, the district must
146 notify the student's parent and provide the parent with
147 information regarding the implications of such nonparticipation.
148 If modifications are made in the student's instruction to
149 provide accommodations that would not be permitted on the
150 statewide assessment tests, the district must notify the
151 student's parent of the implications of such instructional
152 modifications. A parent must provide signed consent for a
153 student to receive instructional modifications that would not be
154 permitted on the statewide assessments and must acknowledge in
155 writing that he or she understands the implications of such
156 accommodations. The State Board of Education shall adopt rules,
157 based upon recommendations of the commissioner, for the
158 provision of test accommodations and modifications of procedures
159 as necessary for students in exceptional education programs and
160 for students who have limited English proficiency.
161 Accommodations that negate the validity of a statewide
162 assessment are not allowable.

163 7. A student seeking an adult high school diploma must
164 meet the same testing requirements that a regular high school
165 student must meet.



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166 8. District school boards must provide instruction to
167 prepare students to demonstrate proficiency in the skills and
168 competencies necessary for successful grade-to-grade progression
169 and high school graduation. If a student is provided with
170 accommodations or modifications that are not allowable in the
171 statewide assessment program, as described in the test manuals,
172 the district must inform the parent in writing and must provide
173 the parent with information regarding the impact on the
174 student's ability to meet expected proficiency levels in
175 reading, writing, and math. The commissioner shall conduct
176 studies as necessary to verify that the required skills and
177 competencies are part of the district instructional programs.

178 9. The Department of Education must develop, or select,
179 and implement a common battery of assessment tools that will be
180 used in all juvenile justice programs in the state. These tools
181 must accurately measure the skills and competencies established
182 in the Florida Sunshine State Standards.

183
184 The commissioner may design and implement student testing
185 programs, for any grade level and subject area, necessary to
186 effectively monitor educational achievement in the state.

187 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The State Board
188 of Education shall study the comparable validity of other
189 available standardized tests, including the SAT, ACT, College
190 Placement Test, PSAT, PLAN, and tests used for entry into the
191 military, and shall report its findings to the Governor, the
192 President of the Senate, and the Speaker of the House of
193 Representatives by December 31, 2003. If such tests are deemed



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194 to be valid and reliable measures, the State Board of Education
195 shall adopt scores on such tests that will equate to the FCAT
196 passing rate for purposes of high school graduation. If no
197 existing standardized assessment is deemed to be a valid and
198 reliable measure, the State Board of Education may initiate the
199 development of a valid and reliable alternate assessment.
200 Students who attain scores that equate to the FCAT passing rate
201 for purposes of high school graduation on one of the approved
202 tests shall satisfy the assessment requirement for a standard
203 high school diploma as provided in s. 1003.43(5)(a).
204 Section 3. This act shall take effect upon becoming a law.