



1 A bill to be entitled
2 An act relating to high school graduation; creating s.
3 1003.433, F.S.; providing learning opportunities for
4 certain students to meet high school graduation
5 requirements; providing requirements for certain transfer
6 students; authorizing alternate assessments; authorizing
7 rules; amending s. 1008.22, F.S., relating to student
8 assessment for public schools; providing for alternate
9 assessments for the grade 10 FCAT; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 1003.433, Florida Statutes, is created
15 to read:

16 1003.433 Learning opportunities for out-of-state and out-
17 of-country transfer students and students needing additional
18 instruction to meet high school graduation requirements.--

19 (1) Students who enter a Florida public school at the
20 eleventh or twelfth grade from out of state or from a foreign
21 country shall not be required to spend additional time in a
22 Florida public school in order to meet the high school course
23 requirements if the student has met all requirements of the
24 school district, state, or country from which he or she is
25 transferring. Such students who are not proficient in English
26 should receive immediate and intensive instruction in English
27 language acquisition. However, to receive a standard high school
28 diploma, a transfer student must earn a 2.0 grade point average



29 and pass the grade 10 FCAT required in s. 1008.22(3) or an
30 alternate assessment as described in s. 1008.22(9).

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

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

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

40 (c) Participation in an adult general education program as
41 provided in s. 1004.93 for such time as the student requires to
42 master English, reading, mathematics, or any other subject
43 required for high school graduation. Students attending adult
44 basic, adult secondary, or vocational-preparatory instruction
45 are exempt from any requirement for the payment of tuition and
46 fees, including lab fees, pursuant to s. 1009.25. A student
47 attending an adult general education program shall have the
48 opportunity to take the grade 10 FCAT an unlimited number of
49 times in order to receive a standard high school diploma.

50 (3) Students who have been enrolled in an ESOL program for
51 less than 2 school years and have met all requirements for the
52 standard high school diploma except for passage of the grade 10
53 FCAT or alternate assessment may receive immersion English
54 language instruction during the summer following their senior
55 year. Students receiving such instruction are eligible to take
56 the FCAT or alternate assessment and receive a standard high



57 | school diploma upon passage of the grade 10 FCAT or the
58 | alternate assessment. This subsection shall be implemented to
59 | the extent funding is provided in the General Appropriations
60 | Act.

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

63 | Section 2. Paragraph (c) of subsection (3) of section
64 | 1008.22, Florida Statutes, is amended, subsection (9) is
65 | renumbered as subsection (10), and a new subsection (9) is added
66 | to said section, to read:

67 | 1008.22 Student assessment program for public schools.--

68 | (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
69 | design and implement a statewide program of educational
70 | assessment that provides information for the improvement of the
71 | operation and management of the public schools, including
72 | schools operating for the purpose of providing educational
73 | services to youth in Department of Juvenile Justice programs.
74 | Pursuant to the statewide assessment program, the commissioner
75 | shall:

76 | (c) Develop and implement a student achievement testing
77 | program known as the Florida Comprehensive Assessment Test
78 | (FCAT) as part of the statewide assessment program, to be
79 | administered annually in grades 3 through 10 to measure reading,
80 | writing, science, and mathematics. Other content areas may be
81 | included as directed by the commissioner. The testing program
82 | must be designed so that:

83 | 1. The tests measure student skills and competencies
84 | adopted by the State Board of Education as specified in



85 paragraph (a). The tests must measure and report student
86 proficiency levels in reading, writing, mathematics, and
87 science. The commissioner shall provide for the tests to be
88 developed or obtained, as appropriate, through contracts and
89 project agreements with private vendors, public vendors, public
90 agencies, postsecondary educational institutions, or school
91 districts. The commissioner shall obtain input with respect to
92 the design and implementation of the testing program from state
93 educators and the public.

94 2. The testing program will include a combination of norm-
95 referenced and criterion-referenced tests and include, to the
96 extent determined by the commissioner, questions that require
97 the student to produce information or perform tasks in such a
98 way that the skills and competencies he or she uses can be
99 measured.

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

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

108 5. Students must earn a passing score on the grade 10
109 assessment test described in this paragraph or on an alternate
110 assessment as described in subsection (9) in reading, writing,
111 and mathematics to qualify for a regular high school diploma.
112 The State Board of Education shall designate a passing score for



113 | each part of the grade 10 assessment test. In establishing
114 | passing scores, the state board shall consider any possible
115 | negative impact of the test on minority students. All students
116 | who took the grade 10 FCAT during the 2000-2001 school year
117 | shall be required to earn the passing scores in reading and
118 | mathematics established by the State Board of Education for the
119 | March 2001 test administration. Such students who did not earn
120 | the established passing scores and must repeat the grade 10 FCAT
121 | are required to earn the passing scores established for the
122 | March 2001 test administration. All students who take the grade
123 | 10 FCAT for the first time in March 2002 and thereafter shall be
124 | required to earn the passing scores in reading and mathematics
125 | established by the State Board of Education for the March 2002
126 | test administration. The State Board of Education shall adopt
127 | rules which specify the passing scores for the grade 10 FCAT.
128 | Any such rules, which have the effect of raising the required
129 | passing scores, shall only apply to students taking the grade 10
130 | FCAT after such rules are adopted by the State Board of
131 | Education.

132 | 6. Participation in the testing program is mandatory for
133 | all students attending public school, including students served
134 | in Department of Juvenile Justice programs, except as otherwise
135 | prescribed by the commissioner. If a student does not
136 | participate in the statewide assessment, the district must
137 | notify the student's parent and provide the parent with
138 | information regarding the implications of such nonparticipation.
139 | If modifications are made in the student's instruction to
140 | provide accommodations that would not be permitted on the



141 statewide assessment tests, the district must notify the
142 student's parent of the implications of such instructional
143 modifications. A parent must provide signed consent for a
144 student to receive instructional modifications that would not be
145 permitted on the statewide assessments and must acknowledge in
146 writing that he or she understands the implications of such
147 accommodations. The State Board of Education shall adopt rules,
148 based upon recommendations of the commissioner, for the
149 provision of test accommodations and modifications of procedures
150 as necessary for students in exceptional education programs and
151 for students who have limited English proficiency.
152 Accommodations that negate the validity of a statewide
153 assessment are not allowable.

154 7. A student seeking an adult high school diploma must
155 meet the same testing requirements that a regular high school
156 student must meet.

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



169 9. The Department of Education must develop, or select,
170 and implement a common battery of assessment tools that will be
171 used in all juvenile justice programs in the state. These tools
172 must accurately measure the skills and competencies established
173 in the Florida Sunshine State Standards.

174

175 The commissioner may design and implement student testing
176 programs, for any grade level and subject area, necessary to
177 effectively monitor educational achievement in the state.

178 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The State Board
179 of Education shall study the comparable validity of other
180 available standardized tests, including the SAT, ACT, College
181 Placement Test, PSAT, PLAN, and tests used for entry into the
182 military, and shall report its findings to the Governor, the
183 President of the Senate, and the Speaker of the House of
184 Representatives by December 31, 2003. If such tests are deemed
185 to be valid and reliable measures, the State Board of Education
186 shall adopt scores on such tests that will equate to the FCAT
187 passing rate for purposes of high school graduation. If no
188 existing standardized assessment is deemed to be a valid and
189 reliable measure, the State Board of Education may initiate the
190 development of a valid and reliable alternate assessment.

191 Students who attain scores that equate to the FCAT passing rate
192 for purposes of high school graduation on one of the approved
193 tests shall satisfy the assessment requirement for a standard
194 high school diploma as provided in s. 1003.43(5)(a).

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