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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 for
10 construction of the act in pari materia with laws enacted
11 during the Regular Session of the Legislature; providing
12 an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

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

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



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

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

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

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

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

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



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61 the extent funding is provided in the General Appropriations
62 Act.

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

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

69 1008.22 Student assessment program for public schools.--

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

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

85 1. The tests measure student skills and competencies
86 adopted by the State Board of Education as specified in
87 paragraph (a). The tests must measure and report student
88 proficiency levels in reading, writing, mathematics, and
89 science. The commissioner shall provide for the tests to be
90 developed or obtained, as appropriate, through contracts and



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91 project agreements with private vendors, public vendors, public
92 agencies, postsecondary educational institutions, or school
93 districts. The commissioner shall obtain input with respect to
94 the design and implementation of the testing program from state
95 educators and the public.

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

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

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

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

110 5. Students must earn a passing score on the grade 10
111 assessment test described in this paragraph or on an alternate
112 assessment as described in subsection (9) in reading, writing,
113 and mathematics to qualify for a regular high school diploma.
114 The State Board of Education shall designate a passing score for
115 each part of the grade 10 assessment test. In establishing
116 passing scores, the state board shall consider any possible
117 negative impact of the test on minority students. All students
118 who took the grade 10 FCAT during the 2000-2001 school year
119 shall be required to earn the passing scores in reading and
120 mathematics established by the State Board of Education for the



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121 March 2001 test administration. Such students who did not earn
122 the established passing scores and must repeat the grade 10 FCAT
123 are required to earn the passing scores established for the
124 March 2001 test administration. All students who take the grade
125 10 FCAT for the first time in March 2002 and thereafter shall be
126 required to earn the passing scores in reading and mathematics
127 established by the State Board of Education for the March 2002
128 test administration. The State Board of Education shall adopt
129 rules which specify the passing scores for the grade 10 FCAT.
130 Any such rules, which have the effect of raising the required
131 passing scores, shall only apply to students taking the grade 10
132 FCAT after such rules are adopted by the State Board of
133 Education.

134 6. Participation in the testing program is mandatory for
135 all students attending public school, including students served
136 in Department of Juvenile Justice programs, except as otherwise
137 prescribed by the commissioner. If a student does not
138 participate in the statewide assessment, the district must
139 notify the student's parent and provide the parent with
140 information regarding the implications of such nonparticipation.
141 If modifications are made in the student's instruction to
142 provide accommodations that would not be permitted on the
143 statewide assessment tests, the district must notify the
144 student's parent of the implications of such instructional
145 modifications. A parent must provide signed consent for a
146 student to receive instructional modifications that would not be
147 permitted on the statewide assessments and must acknowledge in
148 writing that he or she understands the implications of such
149 accommodations. The State Board of Education shall adopt rules,
150 based upon recommendations of the commissioner, for the



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151 provision of test accommodations and modifications of procedures
152 as necessary for students in exceptional education programs and
153 for students who have limited English proficiency.
154 Accommodations that negate the validity of a statewide
155 assessment are not allowable.

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

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

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

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

180 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The State Board



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181 of Education shall study the comparable validity of other
182 available standardized tests, including the SAT, ACT, College
183 Placement Test, PSAT, PLAN, and tests used for entry into the
184 military, and shall report its findings to the Governor, the
185 President of the Senate, and the Speaker of the House of
186 Representatives by December 31, 2003. If such tests are deemed
187 to be valid and reliable measures, the State Board of Education
188 shall adopt scores on such tests that will equate to the FCAT
189 passing rate for purposes of high school graduation. If no
190 existing standardized assessment is deemed to be a valid and
191 reliable measure, the State Board of Education may initiate the
192 development of a valid and reliable alternate assessment.
193 Students who attain scores that equate to the FCAT passing rate
194 for purposes of high school graduation on one of the approved
195 tests shall satisfy the assessment requirement for a standard
196 high school diploma as provided in s. 1003.43(5)(a).

197 Section 3. If any law amended by this act was also amended
198 by a law enacted at the 2003 Regular Session of the Legislature,
199 such laws shall be construed as if they had been enacted at the
200 same session of the Legislature, and full effect shall be given
201 to each if possible.

202 Section 4. This act shall take effect upon becoming a law.