

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Richardson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. Paragraph (a) of subsection (5) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.--

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Beginning with students graduating in the 2005-2006 school year, earning passing scores on the FCAT, as defined in s. 1008.22(3)(c).

The standards required in this subsection, and any subsequent modifications, shall be reprinted in the Florida Administrative Code even though not defined as "rules."

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28 Section 2. Paragraph (c) of subsection (3) of section
29 1008.22, Florida Statutes, as amended by chapter 2003-8, Laws of
30 Florida, is amended to read:

31 1008.22 Student assessment program for public schools.--

32 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
33 design and implement a statewide program of educational
34 assessment that provides information for the improvement of the
35 operation and management of the public schools, including
36 schools operating for the purpose of providing educational
37 services to youth in Department of Juvenile Justice programs.
38 Pursuant to the statewide assessment program, the commissioner
39 shall:

40 (c) Develop and implement a student achievement testing
41 program known as the Florida Comprehensive Assessment Test
42 (FCAT) as part of the statewide assessment program, to be
43 administered annually in grades 3 through 10 to measure reading,
44 writing, science, and mathematics. Other content areas may be
45 included as directed by the commissioner. The testing program
46 must be designed so that:

47 1. The tests measure student skills and competencies
48 adopted by the State Board of Education as specified in
49 paragraph (a). The tests must measure and report student
50 proficiency levels in reading, writing, mathematics, and
51 science. The commissioner shall provide for the tests to be
52 developed or obtained, as appropriate, through contracts and
53 project agreements with private vendors, public vendors, public
54 agencies, postsecondary educational institutions, or school
55 districts. The commissioner shall obtain input with respect to

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56 the design and implementation of the testing program from state
57 educators and the public.

58 2. The testing program will include a combination of norm-
59 referenced and criterion-referenced tests and include, to the
60 extent determined by the commissioner, questions that require
61 the student to produce information or perform tasks in such a
62 way that the skills and competencies he or she uses can be
63 measured.

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

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

72 5. Beginning with students graduating in the 2005-2006
73 school year, except as provided in s. 1003.43(11)(b), students
74 must earn a passing score on the grade 10 assessment test
75 described in this paragraph in reading, writing, and mathematics
76 to qualify for a regular high school diploma. The State Board of
77 Education shall designate a passing score for each part of the
78 grade 10 assessment test. In establishing passing scores, the
79 state board shall consider any possible negative impact of the
80 test on minority students. ~~All students who took the grade 10~~
81 ~~FCAT during the 2000-2001 school year shall be required to earn~~
82 ~~the passing scores in reading and mathematics established by the~~
83 ~~State Board of Education for the March 2001 test administration.~~
84 Such students who did not earn the established passing scores

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85 ~~and must repeat the grade 10 FCAT are required to earn the~~
86 ~~passing scores established for the March 2001 test~~
87 ~~administration. All students who take the grade 10 FCAT for the~~
88 ~~first time in March 2002 and thereafter shall be required to~~
89 ~~earn the passing scores in reading and mathematics established~~
90 ~~by the State Board of Education for the March 2002 test~~
91 ~~administration.~~ The State Board of Education shall adopt rules
92 which specify the passing scores for the grade 10 FCAT. Any such
93 rules, which have the effect of raising the required passing
94 scores, shall only apply to students taking the grade 10 FCAT
95 after such rules are adopted by the State Board of Education.

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

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114 as necessary for students in exceptional education programs and
115 for students who have limited English proficiency.

116 Accommodations that negate the validity of a statewide
117 assessment are not allowable.

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

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

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

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

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142 Section 3. Any twelfth grade student who was denied a
143 standard high school diploma during the 2002-2003 school year
144 based solely on his or her inability to achieve the passing
145 scores established by the State Board of Education for the grade
146 10 FCAT shall receive a standard high school diploma.

147 Section 4. The Department of Education shall study the
148 failure rates on the grade 10 FCAT of minority students,
149 students with disabilities, and students with limited English
150 proficiency and develop policy recommendations and a
151 comprehensive strategy to be implemented beginning with the
152 2003-2004 school year to improve the passing rates of such
153 students on the grade 10 FCAT.

154 Section 5. If any law amended by this act was also amended
155 by a law enacted at the 2003 Regular Session of the Legislature
156 or at the 2003 Special Session A of the Legislature, such laws
157 shall be construed as if they had been enacted at the same
158 session of the Legislature, and full effect shall be given to
159 each if possible.

160 Section 6. This act shall take effect upon becoming a law.

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163 ===== T I T L E A M E N D M E N T =====

164 Remove the entire title, and insert:

165 A bill to be entitled

166 An act relating to high school graduation; amending ss.
167 1003.43 and 1008.22, F.S.; delaying the graduation
168 requirement that students earn passing scores on the grade
169 10 FCAT; providing that certain students who were denied a
170 standard high school diploma during the 2002-2003 school

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171 year shall receive such diploma; requiring the Department
172 of Education to study failure rates of certain students on
173 the grade 10 FCAT and develop recommendations and a
174 comprehensive strategy to improve performance on the test;
175 providing for construction of the act in pari materia with
176 laws enacted during the 2003 Regular Session or the 2003
177 Special Session A of the Legislature; providing an
178 effective date.
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