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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; directing the
10 Commissioner of Education to approve certain standardized
11 tests if determined to meet certain criteria as
12 equivalents to the FCAT and to permit passage of such
13 tests in lieu of passage of the grade 10 FCAT for students
14 graduating in the 2002-2003 school year or thereafter;
15 providing for construction of the act in pari materia with
16 laws enacted during the 2003 Regular Session or the 2003
17 Special Session A of the Legislature; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 1003.433, Florida Statutes, is created
23 to read:

24 1003.433 Learning opportunities for out-of-state and out-
25 of-country transfer students and students needing additional
26 instruction to meet high school graduation requirements.--

27 (1) Students who enter a Florida public school at the
28 eleventh or twelfth grade from out of state or from a foreign
29 country shall not be required to spend additional time in a
30 Florida public school in order to meet the high school course



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31 requirements if the student has met all requirements of the
32 school district, state, or country from which he or she is
33 transferring. Such students who are not proficient in English
34 should receive immediate and intensive instruction in English
35 language acquisition. However, to receive a standard high school
36 diploma, a transfer student must earn a 2.0 grade point average
37 and pass the grade 10 FCAT required in s. 1008.22(3) or an
38 alternate assessment as described in s. 1008.22(9).

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

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

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



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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, as amended by chapter 2003-8, Laws of
 74 Florida, is amended, subsection (9) is renumbered as subsection
 75 (10), and a new subsection (9) is added to said section, to
 76 read:

77 1008.22 Student assessment program for public schools.--

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

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



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91 included as directed by the commissioner. The testing program
92 must be designed so that:

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

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

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

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

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

118 5. Except as provided in s. 1003.43(11)(b), students must
119 earn a passing score on the grade 10 assessment test described
120 in this paragraph or on an alternate assessment as described in



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

142 6. Participation in the testing program is mandatory for
143 all students attending public school, including students served
144 in Department of Juvenile Justice programs, except as otherwise
145 prescribed by the commissioner. If a student does not
146 participate in the statewide assessment, the district must
147 notify the student's parent and provide the parent with
148 information regarding the implications of such nonparticipation.
149 If modifications are made in the student's instruction to
150 provide accommodations that would not be permitted on the



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151 statewide assessment tests, the district must notify the
152 student's parent of the implications of such instructional
153 modifications. A parent must provide signed consent for a
154 student to receive instructional modifications that would not be
155 permitted on the statewide assessments and must acknowledge in
156 writing that he or she understands the implications of such
157 accommodations. The State Board of Education shall adopt rules,
158 based upon recommendations of the commissioner, for the
159 provision of test accommodations and modifications of procedures
160 as necessary for students in exceptional education programs and
161 for students who have limited English proficiency.
162 Accommodations that negate the validity of a statewide
163 assessment are not allowable.

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

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

179 9. The Department of Education must develop, or select,
180 and implement a common battery of assessment tools that will be



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181 used in all juvenile justice programs in the state. These tools
182 must accurately measure the skills and competencies established
183 in the Florida Sunshine State Standards.

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

188 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The
189 Commissioner of Education shall determine the comparable
190 validity of other available standardized tests, including the
191 SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for
192 entry into the military. If such tests are deemed to be valid
193 and reliable measures, the commissioner shall approve the use of
194 such tests as alternate assessments to the grade 10 FCAT.
195 Beginning with the 2002-2003 school year, students who attain
196 scores that equate to the passing scores on the grade 10 FCAT
197 for purposes of high school graduation on any of the approved
198 alternate assessments shall satisfy the assessment requirement
199 for a standard high school diploma as provided in s.
200 1003.43(5)(a).

201 Section 3. If any law amended by this act was also amended
202 by a law enacted at the 2003 Regular Session of the Legislature
203 or at the 2003 Special Session A of the Legislature, such laws
204 shall be construed as if they had been enacted at the same
205 session of the Legislature, and full effect shall be given to
206 each if possible.

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