



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; requiring district school superintendents to notify students of the consequences of failure to receive a standard high school diploma; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; directing the Commissioner of Education to approve certain standardized tests if determined to meet certain criteria as equivalents to the FCAT and to permit passage of such tests in lieu of passage of the grade 10 FCAT for students graduating in the 2002-2003 school year or thereafter; providing for retroactive application; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or the 2003 Special Session A of the Legislature; 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.--

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign



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

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

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

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

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



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

72 (4) The district school superintendent shall be responsible
 73 for notifying all students of the consequences of failure to
 74 receive a standard high school diploma, including the potential
 75 ineligibility for financial assistance at postsecondary
 76 educational institutions.

77 (5) The State Board of Education may adopt rules pursuant
 78 to ss. 120.536(1) and 120.54 to administer this section.

79 Section 2. Paragraph (c) of subsection (3) of section
 80 1008.22, Florida Statutes, as amended by chapter 2003-8, Laws of
 81 Florida, is amended, subsection (9) is renumbered as subsection
 82 (10), and a new subsection (9) is added to said section, to
 83 read:

84 1008.22 Student assessment program for public schools.--

85 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 86 design and implement a statewide program of educational
 87 assessment that provides information for the improvement of the
 88 operation and management of the public schools, including
 89 schools operating for the purpose of providing educational
 90 services to youth in Department of Juvenile Justice programs.



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91 Pursuant to the statewide assessment program, the commissioner
92 shall:

93 (c) Develop and implement a student achievement testing
94 program known as the Florida Comprehensive Assessment Test
95 (FCAT) as part of the statewide assessment program, to be
96 administered annually in grades 3 through 10 to measure reading,
97 writing, science, and mathematics. Other content areas may be
98 included as directed by the commissioner. The testing program
99 must be designed so that:

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

111 2. The testing program will include a combination of norm-
112 referenced and criterion-referenced tests and include, to the
113 extent determined by the commissioner, questions that require
114 the student to produce information or perform tasks in such a
115 way that the skills and competencies he or she uses can be
116 measured.

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



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

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

125 5. Except as provided in s. 1003.43(11)(b), students must
126 earn a passing score on the grade 10 assessment test described
127 in this paragraph or on an alternate assessment as described in
128 subsection (9) in reading, writing, and mathematics to qualify
129 for a regular high school diploma. The State Board of Education
130 shall designate a passing score for each part of the grade 10
131 assessment test. In establishing passing scores, the state board
132 shall consider any possible negative impact of the test on
133 minority students. All students who took the grade 10 FCAT
134 during the 2000-2001 school year shall be required to earn the
135 passing scores in reading and mathematics established by the
136 State Board of Education for the March 2001 test administration.
137 Such students who did not earn the established passing scores
138 and must repeat the grade 10 FCAT are required to earn the
139 passing scores established for the March 2001 test
140 administration. All students who take the grade 10 FCAT for the
141 first time in March 2002 and thereafter shall be required to
142 earn the passing scores in reading and mathematics established
143 by the State Board of Education for the March 2002 test
144 administration. The State Board of Education shall adopt rules
145 which specify the passing scores for the grade 10 FCAT. Any such
146 rules, which have the effect of raising the required passing
147 scores, shall only apply to students taking the grade 10 FCAT
148 after such rules are adopted by the State Board of Education.

149 6. Participation in the testing program is mandatory for
150 all students attending public school, including students served



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151 in Department of Juvenile Justice programs, except as otherwise
152 prescribed by the commissioner. If a student does not
153 participate in the statewide assessment, the district must
154 notify the student's parent and provide the parent with
155 information regarding the implications of such nonparticipation.
156 If modifications are made in the student's instruction to
157 provide accommodations that would not be permitted on the
158 statewide assessment tests, the district must notify the
159 student's parent of the implications of such instructional
160 modifications. A parent must provide signed consent for a
161 student to receive instructional modifications that would not be
162 permitted on the statewide assessments and must acknowledge in
163 writing that he or she understands the implications of such
164 accommodations. The State Board of Education shall adopt rules,
165 based upon recommendations of the commissioner, for the
166 provision of test accommodations and modifications of procedures
167 as necessary for students in exceptional education programs and
168 for students who have limited English proficiency.
169 Accommodations that negate the validity of a statewide
170 assessment are not allowable.

171 7. A student seeking an adult high school diploma must
172 meet the same testing requirements that a regular high school
173 student must meet.

174 8. District school boards must provide instruction to
175 prepare students to demonstrate proficiency in the skills and
176 competencies necessary for successful grade-to-grade progression
177 and high school graduation. If a student is provided with
178 accommodations or modifications that are not allowable in the
179 statewide assessment program, as described in the test manuals,
180 the district must inform the parent in writing and must provide



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181 the parent with information regarding the impact on the
 182 student's ability to meet expected proficiency levels in
 183 reading, writing, and math. The commissioner shall conduct
 184 studies as necessary to verify that the required skills and
 185 competencies are part of the district instructional programs.

186 9. The Department of Education must develop, or select,
 187 and implement a common battery of assessment tools that will be
 188 used in all juvenile justice programs in the state. These tools
 189 must accurately measure the skills and competencies established
 190 in the Florida Sunshine State Standards.

191
 192 The commissioner may design and implement student testing
 193 programs, for any grade level and subject area, necessary to
 194 effectively monitor educational achievement in the state.

195 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The
 196 Commissioner of Education shall determine the comparable
 197 validity of other available standardized tests, including the
 198 SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for
 199 entry into the military. If such tests are deemed to be valid
 200 and reliable measures, the commissioner shall approve the use of
 201 such tests as alternate assessments to the grade 10 FCAT.

202 Beginning with the 2002-2003 school year, students who attain
 203 scores that equate to the passing scores on the grade 10 FCAT
 204 for purposes of high school graduation on any of the approved
 205 alternate assessments shall satisfy the assessment requirement
 206 for a standard high school diploma as provided in s.
 207 1003.43(5)(a).

208 Section 3. If any law amended by this act was also amended
 209 by a law enacted at the 2003 Regular Session of the Legislature
 210 or at the 2003 Special Session A of the Legislature, such laws



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211 shall be construed as if they had been enacted at the same
212 session of the Legislature, and full effect shall be given to
213 each if possible.

214 Section 4. This act shall take effect upon becoming a law
215 and shall apply retroactively with respect to any provision that
216 specifically refers to the 2002-2003 school year.

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