



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; providing for legislative review; 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



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

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

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

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

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



61 times in order to receive a standard high school diploma.

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

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

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

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

85 1008.22 Student assessment program for public schools.--

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



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91 services to youth in Department of Juvenile Justice programs.
92 Pursuant to the statewide assessment program, the commissioner
93 shall:

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

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

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

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



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121 scored by appropriate methods.

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

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

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

150 6. Participation in the testing program is mandatory for



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

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

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



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

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

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

196 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The
 197 Commissioner of Education shall determine the comparable
 198 validity of other available standardized tests, including the
 199 SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for
 200 entry into the military. If such tests are deemed to be valid
 201 and reliable measures, the commissioner shall approve the use of
 202 such tests as alternate assessments to the grade 10 FCAT for the
 203 2002-2003 school year. Students who attain scores that equate to
 204 the passing scores on the grade 10 FCAT for purposes of high
 205 school graduation on any of the approved alternative assessments
 206 shall satisfy the assessment requirement for a standard high
 207 school diploma as provided in s. 1003.43(5)(a) for the 2002-2003
 208 school year graduating class. Prior to the application of these
 209 alternative assessments in subsequent school years, the
 210 Legislature shall review the continued use of these alternative



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211 tests.

212 Section 3. If any law amended by this act was also amended
213 by a law enacted at the 2003 Regular Session of the Legislature
214 or at the 2003 Special Session A of the Legislature, such laws
215 shall be construed as if they had been enacted at the same
216 session of the Legislature, and full effect shall be given to
217 each if possible.

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

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