



HB 0033B

2003

1 A bill to be entitled

2 An act relating to high school graduation; amending ss.
3 1003.43 and 1008.22, F.S.; delaying the graduation
4 requirement that students earn passing scores on the grade
5 10 FCAT; providing that certain students who were denied a
6 standard high school diploma during the 2002-2003 school
7 year shall receive such diploma; requiring the Department
8 of Education to study failure rates of certain students on
9 the grade 10 FCAT and develop recommendations and a
10 comprehensive strategy to improve performance on the test;
11 providing for construction of the act in pari materia with
12 laws enacted during the 2003 Regular Session or the 2003
13 Special Session A of the Legislature; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (a) of subsection (5) of section
19 1003.43, Florida Statutes, is amended to read:

20 1003.43 General requirements for high school graduation.--

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

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

27
28 The standards required in this subsection, and any subsequent
29 modifications, shall be reprinted in the Florida Administrative
30 Code even though not defined as "rules."



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31 Section 2. Paragraph (c) of subsection (3) of section
32 1008.22, Florida Statutes, as amended by chapter 2003-8, Laws of
33 Florida, is amended to read:

34 1008.22 Student assessment program for public schools.--

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

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

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



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

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

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

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



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91 ~~first time in March 2002 and thereafter shall be required to~~
92 ~~earn the passing scores in reading and mathematics established~~
93 ~~by the State Board of Education for the March 2002 test~~
94 ~~administration.~~ The State Board of Education shall adopt rules
95 which specify the passing scores for the grade 10 FCAT. Any such
96 rules, which have the effect of raising the required passing
97 scores, shall only apply to students taking the grade 10 FCAT
98 after such rules are adopted by the State Board of Education.

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



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121 7. A student seeking an adult high school diploma must
122 meet the same testing requirements that a regular high school
123 student must meet.

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

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

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

145 Section 3. Any twelfth grade student who was denied a
146 standard high school diploma during the 2002-2003 school year
147 based solely on his or her inability to achieve the passing
148 scores established by the State Board of Education for the grade
149 10 FCAT shall receive a standard high school diploma.



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150 Section 4. The Department of Education shall study the
151 failure rates on the grade 10 FCAT of minority students,
152 students with disabilities, and students with limited English
153 proficiency and develop policy recommendations and a
154 comprehensive strategy to be implemented beginning with the
155 2003-2004 school year to improve the passing rates of such
156 students on the grade 10 FCAT.

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

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