

By Senators Diaz de la Portilla and Wilson

36-2690-03

See HB 23B

1 A bill to be entitled
 2 An act relating to high school graduation;
 3 creating s. 1003.433, F.S.; providing learning
 4 opportunities for certain students to meet high
 5 school graduation requirements; providing
 6 requirements for certain transfer students;
 7 authorizing alternate assessments; authorizing
 8 rules; amending s. 1008.22, F.S., relating to
 9 student assessment for public schools;
 10 providing for alternate assessments for the
 11 grade 10 FCAT; directing the Commissioner of
 12 Education to approve certain standardized tests
 13 if determined to meet certain criteria as
 14 equivalents to the FCAT and to permit passage
 15 of such tests in lieu of passage of the grade
 16 10 FCAT for students graduating in the
 17 2002-2003 school year or thereafter; providing
 18 for construction of the act in pari materia
 19 with laws enacted during the 2003 Regular
 20 Session or the 2003 Special Session A of the
 21 Legislature; providing an effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. Section 1003.433, Florida Statutes, is
 26 created to read:

27 1003.433 Learning opportunities for out-of-state and
 28 out-of-country transfer students and students needing
 29 additional instruction to meet high school graduation
 30 requirements.--

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1 (1) Students who enter a Florida public school at the
2 eleventh or twelfth grade from out of state or from a foreign
3 country shall not be required to spend additional time in a
4 Florida public school in order to meet the high school course
5 requirements if the student has met all requirements of the
6 school district, state, or country from which he or she is
7 transferring. Such students who are not proficient in English
8 should receive immediate and intensive instruction in English
9 language acquisition. However, to receive a standard high
10 school diploma, a transfer student must earn a 2.0 grade point
11 average and pass the grade 10 FCAT required in s. 1008.22(3)
12 or an alternate assessment as described in s. 1008.22(9).

13 (2) Students who have met all requirements for the
14 standard high school diploma except for passage of the grade
15 10 FCAT or an alternate assessment by the end of grade 12 must
16 be provided the following learning opportunities:

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

19 (b) Upon receipt of a certificate of completion, to be
20 allowed to take the College Placement Test and be admitted to
21 remedial or credit courses at a state community college, as
22 appropriate.

23 (c) Participation in an adult general education
24 program as provided in s. 1004.93 for such time as the student
25 requires to master English, reading, mathematics, or any other
26 subject required for high school graduation. Students
27 attending adult basic, adult secondary, or
28 vocational-preparatory instruction are exempt from any
29 requirement for the payment of tuition and fees, including lab
30 fees, pursuant to s. 1009.25. A student attending an adult
31 general education program shall have the opportunity to take

1 the grade 10 FCAT an unlimited number of times in order to
2 receive a standard high school diploma.

3 (3) Students who have been enrolled in an ESOL program
4 for less than 2 school years and have met all requirements for
5 the standard high school diploma except for passage of the
6 grade 10 FCAT or alternate assessment may receive immersion
7 English language instruction during the summer following their
8 senior year. Students receiving such instruction are eligible
9 to take the FCAT or alternate assessment and receive a
10 standard high school diploma upon passage of the grade 10 FCAT
11 or the alternate assessment. This subsection shall be
12 implemented to the extent that funding is provided in the
13 General Appropriations Act.

14 (4) The State Board of Education may adopt rules
15 pursuant to ss. 120.536(1) and 120.54 to administer this
16 section.

17 Section 2. Paragraph (c) of subsection (3) of section
18 1008.22, Florida Statutes, as amended by chapter 2003-8, Laws
19 of Florida, is amended, subsection (9) is renumbered as
20 subsection (10), and a new subsection (9) is added to that
21 section, to read:

22 1008.22 Student assessment program for public
23 schools.--

24 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
25 shall design and implement a statewide program of educational
26 assessment that provides information for the improvement of
27 the operation and management of the public schools, including
28 schools operating for the purpose of providing educational
29 services to youth in Department of Juvenile Justice programs.
30 Pursuant to the statewide assessment program, the commissioner
31 shall:

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

8 1. The tests measure student skills and competencies
9 adopted by the State Board of Education as specified in
10 paragraph (a). The tests must measure and report student
11 proficiency levels in reading, writing, mathematics, and
12 science. The commissioner shall provide for the tests to be
13 developed or obtained, as appropriate, through contracts and
14 project agreements with private vendors, public vendors,
15 public agencies, postsecondary educational institutions, or
16 school districts. The commissioner shall obtain input with
17 respect to the design and implementation of the testing
18 program from state educators and the public.

19 2. The testing program will include a combination of
20 norm-referenced and criterion-referenced tests and include, to
21 the extent determined by the commissioner, questions that
22 require the student to produce information or perform tasks in
23 such a way that the skills and competencies he or she uses can
24 be measured.

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

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

3 5. Except as provided in s. 1003.43(11)(b), students
4 must earn a passing score on the grade 10 assessment test
5 described in this paragraph or on an alternate assessment as
6 described in subsection (9) in reading, writing, and
7 mathematics to qualify for a regular high school diploma. The
8 State Board of Education shall designate a passing score for
9 each part of the grade 10 assessment test. In establishing
10 passing scores, the state board shall consider any possible
11 negative impact of the test on minority students. All students
12 who took the grade 10 FCAT during the 2000-2001 school year
13 shall be required to earn the passing scores in reading and
14 mathematics established by the State Board of Education for
15 the March 2001 test administration. Such students who did not
16 earn the established passing scores and must repeat the grade
17 10 FCAT are required to earn the passing scores established
18 for the March 2001 test administration. All students who take
19 the grade 10 FCAT for the first time in March 2002 and
20 thereafter shall be required to earn the passing scores in
21 reading and mathematics established by the State Board of
22 Education for the March 2002 test administration. The State
23 Board of Education shall adopt rules which specify the passing
24 scores for the grade 10 FCAT. Any such rules, which have the
25 effect of raising the required passing scores, shall only
26 apply to students taking the grade 10 FCAT after such rules
27 are adopted by the State Board of Education.

28 6. Participation in the testing program is mandatory
29 for all students attending public school, including students
30 served in Department of Juvenile Justice programs, except as
31 otherwise prescribed by the commissioner. If a student does

1 not participate in the statewide assessment, the district must
2 notify the student's parent and provide the parent with
3 information regarding the implications of such
4 nonparticipation. If modifications are made in the student's
5 instruction to provide accommodations that would not be
6 permitted on the statewide assessment tests, the district must
7 notify the student's parent of the implications of such
8 instructional modifications. A parent must provide signed
9 consent for a student to receive instructional modifications
10 that would not be permitted on the statewide assessments and
11 must acknowledge in writing that he or she understands the
12 implications of such accommodations. The State Board of
13 Education shall adopt rules, based upon recommendations of the
14 commissioner, for the provision of test accommodations and
15 modifications of procedures as necessary for students in
16 exceptional education programs and for students who have
17 limited English proficiency. Accommodations that negate the
18 validity of a statewide assessment are not allowable.

19 7. A student seeking an adult high school diploma must
20 meet the same testing requirements that a regular high school
21 student must meet.

22 8. District school boards must provide instruction to
23 prepare students to demonstrate proficiency in the skills and
24 competencies necessary for successful grade-to-grade
25 progression and high school graduation. If a student is
26 provided with accommodations or modifications that are not
27 allowable in the statewide assessment program, as described in
28 the test manuals, the district must inform the parent in
29 writing and must provide the parent with information regarding
30 the impact on the student's ability to meet expected
31 proficiency levels in reading, writing, and math. The

1 commissioner shall conduct studies as necessary to verify that
2 the required skills and competencies are part of the district
3 instructional programs.

4 9. The Department of Education must develop, or
5 select, and implement a common battery of assessment tools
6 that will be used in all juvenile justice programs in the
7 state. These tools must accurately measure the skills and
8 competencies established in the Florida Sunshine State
9 Standards.

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

14 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The
15 Commissioner of Education shall determine the comparable
16 validity of other available standardized tests, including the
17 SAT, ACT, College Placement Test, PSAT, PLAN, and tests used
18 for entry into the military. If such tests are deemed to be
19 valid and reliable measures, the commissioner shall approve
20 the use of such tests as alternate assessments to the grade 10
21 FCAT. Beginning with the 2002-2003 school year, students who
22 attain scores that equate to the passing scores on the grade
23 10 FCAT for purposes of high school graduation on any of the
24 approved alternate assessments shall satisfy the assessment
25 requirement for a standard high school diploma as provided in
26 s. 1003.43(5)(a).

27 Section 3. If any law amended by this act was also
28 amended by a law enacted at the 2003 Regular Session of the
29 Legislature or at the 2003 Special Session A of the
30 Legislature, such laws shall be construed as if they had been

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1 enacted at the same session of the Legislature, and full
2 effect shall be given to each if possible.
3 Section 4. This act shall take effect upon becoming a
4 law.
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