

1                                   A bill to be entitled  
2           An act relating to education assessment  
3           instruments; amending s. 1008.23, F.S.;  
4           authorizing a student's parent and the  
5           accompanying student to review the questions  
6           and the student's answers to those questions on  
7           the criterion-referenced portion of the Florida  
8           Comprehensive Assessment Test; providing  
9           restrictions on the review; requiring the  
10          Department of Education to honor the requests  
11          within a certain time period; requiring that  
12          district school boards notify eligible parents;  
13          requiring the State Board of Education to adopt  
14          rules; authorizing reasonable attorney's fees  
15          and costs under certain circumstances; amending  
16          s. 1008.22, F.S.; delaying the date by which  
17          the Commissioner of Education must approve the  
18          use of specified standardized tests as an  
19          alternative to the grade 10 Florida  
20          Comprehensive Assessment Test (FCAT); allowing  
21          passage of the alternative tests to satisfy the  
22          assessment requirement for students graduating  
23          from high school in the 2003-2004 school year,  
24          subject to certain conditions; amending s.  
25          1003.433, F.S.; allowing passage of alternate  
26          assessments in lieu of the grade 10 FCAT for  
27          certain transfer students subject to certain  
28          conditions beginning in the 2004-2005 school  
29          year; repealing s. 1008.301, F.S., relating to  
30          concordance studies by the State Board of  
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1 Education; providing for applicability;  
2 providing an effective date.  
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4 Be It Enacted by the Legislature of the State of Florida:  
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6 Section 1. Section 1008.23, Florida Statutes, is  
7 amended to read:

8 1008.23 Confidentiality of assessment  
9 instruments.--All examination and assessment instruments,  
10 including developmental materials and workpapers directly  
11 related thereto, which are prepared, prescribed, or  
12 administered pursuant to ss. 1003.43, 1008.22, and 1008.25  
13 shall be confidential and exempt from the provisions of s.  
14 119.07(1) and from s. 1001.52. Provisions governing access,  
15 maintenance, and destruction of such instruments and related  
16 materials shall be prescribed by rules of the State Board of  
17 Education. However, a student's parent, accompanied by the  
18 student, may review, at the student's school at which the  
19 student was enrolled when the student was administered the  
20 Florida Comprehensive Assessment Test, the questions on each  
21 section of the criterion-referenced portion of the Florida  
22 Comprehensive Assessment Test as well as the student's answers  
23 to those questions, under the following conditions:

24 (1) The student must have failed to earn a passing  
25 score on the grade 10 Florida Comprehensive Assessment Test or  
26 failed to score at Level 2 or higher on the Florida  
27 Comprehensive Assessment Test in reading for grade 3.

28 (2) No recording or copying of the assessment may be  
29 made.

30 (3) A school administrator, as defined in s.  
31 1012.01(3)(c), or a representative of the Department of

1 Education must be present at all times when the assessment is  
2 reviewed.

3 (4) The student or student's parent may not review the  
4 assessment more than one time.

5 (5) No other individual is authorized to attend the  
6 review.

7 (6) The assessment was not administered to the student  
8 more than 2 years before the review.

9 (7) The student or student's parent may not remove the  
10 assessment from the reviewing location.

11 (8) The student, the student's parent, or the school  
12 administrator may not take any notes during the review.

13 (9) The parent requests the review subsequent to the  
14 determination of the student's score and within 14 days  
15 following the determination of the student's score.

16  
17 The Department of Education shall ensure that the assessment  
18 questions and the student's answers are provided for the  
19 requested review within 30 days following the complete scoring  
20 of the assessment upon proper request by the parent. The  
21 district school boards shall notify eligible parents of the  
22 review option and the procedures for the review. The State  
23 Board of Education shall adopt rules pursuant to ss.  
24 120.536(1) and 120.54 to administer this section. If the  
25 review request is not met in accordance with this section, the  
26 parent is entitled to reasonable attorney's fees and costs  
27 incurred by the parent in obtaining compliance with this  
28 section.

29 Section 2. Subsection (9) of section 1008.22, Florida  
30 Statutes, is amended to read:

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1           1008.22 Student assessment program for public  
2 schools.--

3           (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

4           (a) The Commissioner of Education shall ~~determine the~~  
5 ~~comparable validity of other available standardized tests,~~  
6 ~~including the SAT, ACT, College Placement Test, PSAT, PLAN,~~  
7 ~~and tests used for entry into the military. If such tests are~~  
8 ~~deemed to be valid and reliable measures, the commissioner~~  
9 ~~shall~~ approve the use of the SAT and ACT ~~such~~ tests as  
10 alternative alternate assessments to the grade 10 FCAT for the  
11 2003-2004 ~~2002-2003~~ school year. Students who attain scores on  
12 the SAT or ACT which ~~that~~ equate to the passing scores on the  
13 grade 10 FCAT for purposes of high school graduation ~~on any of~~  
14 ~~the approved alternative assessments~~ shall satisfy the  
15 assessment requirement for a standard high school diploma as  
16 provided in s. 1003.43(5)(a) for the 2003-2004 ~~2002-2003~~  
17 school year graduating class if the students meet the  
18 requirement in paragraph (b). ~~Prior to the application of~~  
19 ~~these alternative assessments in subsequent school years, the~~  
20 ~~Legislature shall review the continued use of these~~  
21 ~~alternative tests.~~

22           (b) A student must take the grade 10 FCAT for a total  
23 of three times without earning a passing score in order to use  
24 the scores on the alternative assessments in paragraph (a).

25           Section 3. Subsection (1) of section 1003.433, Florida  
26 Statutes, is amended 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:

11           (a) Earn a 2.0 grade point average; and

12           (b) Pass the grade 10 FCAT required in s. 1008.22(3),  
13 if the student is an eleventh grade student; or

14           (c) Beginning in the 2004-2005 school year, attain  
15 scores on the SAT or ACT which equate to the passing scores on  
16 the grade 10 FCAT, if the student is a twelfth grade student  
17 ~~an alternate assessment as described in s. 1008.22(9).~~

18           Section 4. Section 1008.301, Florida Statutes, as  
19 created by section 2 of chapter 2003-80, Laws of Florida, is  
20 repealed.

21           Section 5. This act shall take effect upon becoming a  
22 law, except that section 1 of this act shall take effect July  
23 1, 2004, and shall apply to each Florida Comprehensive  
24 Assessment Test administered after July 1, 2004.