

HB 0185

2004

A bill to be entitled

An act relating to student assessment; amending s. 1003.433, F.S.; authorizing certain students who are not proficient in English to take a translated version of a portion of the grade 10 FCAT; amending s. 1008.22, F.S.; requiring the Department of Education to prepare a translated version of the mathematics portion of the grade 10 FCAT in certain languages identified by school districts; authorizing use of alternate assessments to the grade 10 FCAT for the 2003-2004 school year; permitting the passage of such tests to satisfy the assessment requirement for a standard high school diploma for the 2003-2004 school year graduating class; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 1003.433, Florida Statutes, are amended 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 country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English

HB 0185

2004

31 language acquisition. However, to receive a standard high school  
 32 diploma, a transfer student must earn a 2.0 grade point average  
 33 and pass the grade 10 FCAT required in s. 1008.22(3) or an  
 34 alternate assessment as described in s. 1008.22(9). A student  
 35 who enters a Florida public school at the eleventh or twelfth  
 36 grade and who is not proficient in English shall be allowed to  
 37 take the mathematics portion of the grade 10 FCAT in his or her  
 38 native language if the Department of Education has prepared a  
 39 translated version according to the provisions of s.  
 40 1008.22(3)(c).

41 (3) Students who have been enrolled in an ESOL program for  
 42 less than 2 school years and have met all requirements for the  
 43 standard high school diploma except for passage of the grade 10  
 44 FCAT or alternate assessment may receive immersion English  
 45 language instruction during the summer following their senior  
 46 year. Students receiving such instruction are eligible to take  
 47 the grade 10 FCAT, including a translated version of the  
 48 mathematics portion of the test pursuant to subsection (1), or  
 49 alternate assessment and receive a standard high school diploma  
 50 upon passage of the grade 10 FCAT or the alternate assessment.  
 51 This subsection shall be implemented to the extent funding is  
 52 provided in the General Appropriations Act.

53 Section 2. Paragraph (c) of subsection (3) and subsection  
 54 (9) of section 1008.22, Florida Statutes, are amended to read:

55 1008.22 Student assessment program for public schools.--

56 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 57 design and implement a statewide program of educational  
 58 assessment that provides information for the improvement of the  
 59 operation and management of the public schools, including  
 60 schools operating for the purpose of providing educational

HB 0185

2004

61 services to youth in Department of Juvenile Justice programs.  
 62 Pursuant to the statewide assessment program, the commissioner  
 63 shall:

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

71 1. The tests measure student skills and competencies  
 72 adopted by the State Board of Education as specified in  
 73 paragraph (a). The tests must measure and report student  
 74 proficiency levels in reading, writing, mathematics, and  
 75 science. The commissioner shall provide for the tests to be  
 76 developed or obtained, as appropriate, through contracts and  
 77 project agreements with private vendors, public vendors, public  
 78 agencies, postsecondary educational institutions, or school  
 79 districts. The commissioner shall obtain input with respect to  
 80 the design and implementation of the testing program from state  
 81 educators and the public.

82 2. The testing program will include a combination of norm-  
 83 referenced and criterion-referenced tests and include, to the  
 84 extent determined by the commissioner, questions that require  
 85 the student to produce information or perform tasks in such a  
 86 way that the skills and competencies he or she uses can be  
 87 measured.

88 3. Each testing program, whether at the elementary,  
 89 middle, or high school level, includes a test of writing in

HB 0185

2004

90 which students are required to produce writings that are then  
91 scored by appropriate methods.

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

96 5.a. Except as provided in s. 1003.43(11)(b), students  
97 must earn a passing score on the grade 10 assessment test  
98 described in this paragraph or on an alternate assessment as  
99 described in subsection (9) in reading, writing, and mathematics  
100 to qualify for a regular high school diploma. The State Board of  
101 Education shall designate a passing score for each part of the  
102 grade 10 assessment test. In establishing passing scores, the  
103 state board shall consider any possible negative impact of the  
104 test on minority students. All students who took the grade 10  
105 FCAT during the 2000-2001 school year shall be required to earn  
106 the passing scores in reading and mathematics established by the  
107 State Board of Education for the March 2001 test administration.  
108 Such students who did not earn the established passing scores  
109 and must repeat the grade 10 FCAT are required to earn the  
110 passing scores established for the March 2001 test  
111 administration. All students who take the grade 10 FCAT for the  
112 first time in March 2002 and thereafter shall be required to  
113 earn the passing scores in reading and mathematics established  
114 by the State Board of Education for the March 2002 test  
115 administration. The State Board of Education shall adopt rules  
116 which specify the passing scores for the grade 10 FCAT. Any such  
117 rules, which have the effect of raising the required passing  
118 scores, shall only apply to students taking the grade 10 FCAT  
119 after such rules are adopted by the State Board of Education.

HB 0185

2004

120 b. The Department of Education shall prepare a translated  
121 version of the mathematics portion of the grade 10 FCAT in each  
122 language determined by a school district to be the predominant  
123 language other than English spoken by students in each of the  
124 school district's high school attendance zones. Prior to the  
125 2004-2005 school year and at the end of each school year  
126 thereafter, each school district shall submit to the department  
127 a list of the predominant second languages spoken in the school  
128 district. Based on the identified second languages, the  
129 department shall make available a translated version of the  
130 mathematics portion of the grade 10 FCAT for use in testing the  
131 following school year.

132 6. Participation in the testing program is mandatory for  
133 all students attending public school, including students served  
134 in Department of Juvenile Justice programs, except as otherwise  
135 prescribed by the commissioner. If a student does not  
136 participate in the statewide assessment, the district must  
137 notify the student's parent and provide the parent with  
138 information regarding the implications of such nonparticipation.  
139 If modifications are made in the student's instruction to  
140 provide accommodations that would not be permitted on the  
141 statewide assessment tests, the district must notify the  
142 student's parent of the implications of such instructional  
143 modifications. A parent must provide signed consent for a  
144 student to receive instructional modifications that would not be  
145 permitted on the statewide assessments and must acknowledge in  
146 writing that he or she understands the implications of such  
147 accommodations. The State Board of Education shall adopt rules,  
148 based upon recommendations of the commissioner, for the  
149 provision of test accommodations and modifications of procedures

HB 0185

2004

150 as necessary for students in exceptional education programs and  
 151 for students who have limited English proficiency.  
 152 Accommodations that negate the validity of a statewide  
 153 assessment are not allowable.

154 7. A student seeking an adult high school diploma must  
 155 meet the same testing requirements that a regular high school  
 156 student must meet.

157 8. District school boards must provide instruction to  
 158 prepare students to demonstrate proficiency in the skills and  
 159 competencies necessary for successful grade-to-grade progression  
 160 and high school graduation. If a student is provided with  
 161 accommodations or modifications that are not allowable in the  
 162 statewide assessment program, as described in the test manuals,  
 163 the district must inform the parent in writing and must provide  
 164 the parent with information regarding the impact on the  
 165 student's ability to meet expected proficiency levels in  
 166 reading, writing, and math. The commissioner shall conduct  
 167 studies as necessary to verify that the required skills and  
 168 competencies are part of the district instructional programs.

169 9. The Department of Education must develop, or select,  
 170 and implement a common battery of assessment tools that will be  
 171 used in all juvenile justice programs in the state. These tools  
 172 must accurately measure the skills and competencies established  
 173 in the Florida Sunshine State Standards.

174  
 175 The commissioner may design and implement student testing  
 176 programs, for any grade level and subject area, necessary to  
 177 effectively monitor educational achievement in the state.

178 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--The  
 179 Commissioner of Education shall determine the comparable

HB 0185

2004

180 validity of other available standardized tests, including the  
181 SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for  
182 entry into the military. If such tests are deemed to be valid  
183 and reliable measures, the commissioner shall approve the use of  
184 such tests as alternate assessments to the grade 10 FCAT for the  
185 2003-2004 ~~2002-2003~~ school year. Students who attain scores that  
186 equate to the passing scores on the grade 10 FCAT for purposes  
187 of high school graduation on any of the approved alternative  
188 assessments shall satisfy the assessment requirement for a  
189 standard high school diploma as provided in s. 1003.43(5)(a) for  
190 the 2003-2004 ~~2002-2003~~ school year graduating class. Prior to  
191 the application of these alternative assessments in subsequent  
192 school years, the Legislature shall review the continued use of  
193 these alternative tests.

194 Section 3. This act shall take effect upon becoming a law.