

By Senator Crist

12-1269-04

1 A bill to be entitled
2 An act relating to the Florida Comprehensive
3 Assessment Test; amending s. 1008.22, F.S.;
4 prohibiting the administration of the FCAT
5 during the first week of a regular legislative
6 session; providing an effective date.

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

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10 Section 1. Paragraph (c) of subsection (3) of section
11 1008.22, Florida Statutes, is amended to read:

12 1008.22 Student assessment program for public
13 schools.--

14 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
15 shall design and implement a statewide program of educational
16 assessment that provides information for the improvement of
17 the operation and management of the public schools, including
18 schools operating for the purpose of providing educational
19 services to youth in Department of Juvenile Justice programs.
20 Pursuant to the statewide assessment program, the commissioner
21 shall:

22 (c) Develop and implement a student achievement
23 testing program known as the Florida Comprehensive Assessment
24 Test (FCAT) as part of the statewide assessment program, to be
25 administered annually in grades 3 through 10 to measure
26 reading, writing, science, and mathematics. Other content
27 areas may be included as directed by the commissioner. The
28 FCAT may not be administered during the first week of a
29 regular legislative session.The testing program must be
30 designed so that:

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

12 2. The testing program will include a combination of
13 norm-referenced and criterion-referenced tests and include, to
14 the extent determined by the commissioner, questions that
15 require the student to produce information or perform tasks in
16 such a way that the skills and competencies he or she uses can
17 be measured.

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

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

26 5. Except as provided in s. 1003.43(11)(b), students
27 must earn a passing score on the grade 10 assessment test
28 described in this paragraph or on an alternate assessment as
29 described in subsection (9) in reading, writing, and
30 mathematics to qualify for a regular high school diploma. The
31 State Board of Education shall designate a passing score for

1 each part of the grade 10 assessment test. In establishing
2 passing scores, the state board shall consider any possible
3 negative impact of the test on minority students. All students
4 who took the grade 10 FCAT during the 2000-2001 school year
5 shall be required to earn the passing scores in reading and
6 mathematics established by the State Board of Education for
7 the March 2001 test administration. Such students who did not
8 earn the established passing scores and must repeat the grade
9 10 FCAT are required to earn the passing scores established
10 for the March 2001 test administration. All students who take
11 the grade 10 FCAT for the first time in March 2002 and
12 thereafter shall be required to earn the passing scores in
13 reading and mathematics established by the State Board of
14 Education for the March 2002 test administration. The State
15 Board of Education shall adopt rules which specify the passing
16 scores for the grade 10 FCAT. Any such rules, which have the
17 effect of raising the required passing scores, shall only
18 apply to students taking the grade 10 FCAT after such rules
19 are adopted by the State Board of Education.

20 6. Participation in the testing program is mandatory
21 for all students attending public school, including students
22 served in Department of Juvenile Justice programs, except as
23 otherwise prescribed by the commissioner. If a student does
24 not participate in the statewide assessment, the district must
25 notify the student's parent and provide the parent with
26 information regarding the implications of such
27 nonparticipation. If modifications are made in the student's
28 instruction to provide accommodations that would not be
29 permitted on the statewide assessment tests, the district must
30 notify the student's parent of the implications of such
31 instructional modifications. A parent must provide signed

1 consent for a student to receive instructional modifications
2 that would not be permitted on the statewide assessments and
3 must acknowledge in writing that he or she understands the
4 implications of such accommodations. The State Board of
5 Education shall adopt rules, based upon recommendations of the
6 commissioner, for the provision of test accommodations and
7 modifications of procedures as necessary for students in
8 exceptional education programs and for students who have
9 limited English proficiency. Accommodations that negate the
10 validity of a statewide assessment are not allowable.

11 7. A student seeking an adult high school diploma must
12 meet the same testing requirements that a regular high school
13 student must meet.

14 8. District school boards must provide instruction to
15 prepare students to demonstrate proficiency in the skills and
16 competencies necessary for successful grade-to-grade
17 progression and high school graduation. If a student is
18 provided with accommodations or modifications that are not
19 allowable in the statewide assessment program, as described in
20 the test manuals, the district must inform the parent in
21 writing and must provide the parent with information regarding
22 the impact on the student's ability to meet expected
23 proficiency levels in reading, writing, and math. The
24 commissioner shall conduct studies as necessary to verify that
25 the required skills and competencies are part of the district
26 instructional programs.

27 9. The Department of Education must develop, or
28 select, and implement a common battery of assessment tools
29 that will be used in all juvenile justice programs in the
30 state. These tools must accurately measure the skills and
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1 competencies established in the Florida Sunshine State
2 Standards.

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

7 Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

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Prohibits administering the Florida Comprehensive
Assessment Test (FCAT) during the first week of a regular
legislative session.

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