

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 452864

CHAMBER ACTION

Senate

House

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Senator Siplin moved the following amendment:

Senate Amendment (with title amendment)

On page 10, lines 29 and 30, delete those lines

and insert:

Section 5. Section 1008.23, Florida Statutes, is amended to read:

1008.23 Confidentiality of assessment instruments.--All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 1003.43, 1008.22, and 1008.25 shall be confidential and exempt from the provisions of s. 119.07(1) and from s. 1001.52. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education. However, a student's parent, accompanied by the student, may review, at the student's school at which the student was enrolled when the student was administered the Florida Comprehensive Assessment Test, the questions on each

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1 section of the criterion-referenced portion of the Florida
2 Comprehensive Assessment Test as well as the student's answers
3 to those questions, under the following conditions:

4 (1) The student must have failed to earn a passing
5 score on the grade 10 Florida Comprehensive Assessment Test or
6 failed to score at Level 2 or higher on the Florida
7 Comprehensive Assessment Test in reading for grade 3.

8 (2) No recording or copying of the assessment may be
9 made.

10 (3) A school administrator, as defined in s.
11 1012.01(3)(c), or a representative of the Department of
12 Education must be present at all times when the assessment is
13 reviewed.

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

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

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

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

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

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

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28 The Department of Education shall ensure that the assessment
29 questions and the student's answers are provided for the
30 requested review within 30 days following the complete scoring
31 of the assessment upon proper request by the parent. The

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1 district school boards shall notify eligible parents of the
2 review option and the procedures for the review. The State
3 Board of Education shall adopt rules pursuant to ss.
4 120.536(1) and 120.54 to administer this section. If the
5 review request is not met in accordance with this section, the
6 parent is entitled to reasonable attorney's fees and costs
7 incurred by the parent in obtaining compliance with this
8 section.

9 Section 6. Subsection (9) of section 1008.22, Florida
10 Statutes, is amended to read:

11 1008.22 Student assessment program for public
12 schools.--

13 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

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

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

4 Section 7. Subsection (1) of section 1003.433, Florida
5 Statutes, is amended to read:

6 1003.433 Learning opportunities for out-of-state and
7 out-of-country transfer students and students needing
8 additional instruction to meet high school graduation
9 requirements.--

10 (1) Students who enter a Florida public school at the
11 eleventh or twelfth grade from out of state or from a foreign
12 country shall not be required to spend additional time in a
13 Florida public school in order to meet the high school course
14 requirements if the student has met all requirements of the
15 school district, state, or country from which he or she is
16 transferring. Such students who are not proficient in English
17 should receive immediate and intensive instruction in English
18 language acquisition. However, to receive a standard high
19 school diploma, a transfer student must:

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

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

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

27 Section 8. Section 1008.301, Florida Statutes, as
28 created by section 2 of chapter 2003-80, Laws of Florida, is
29 repealed.

30 Section 9. This act shall take effect upon becoming a
31 law, except that section 5 of this act shall take effect July

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1 1, 2004, and shall apply to each Florida Comprehensive
2 Assessment Test administered after July 1, 2004.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, line 28, after the semicolon

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9 insert:

10 amending s. 1008.23, F.S.; authorizing a
11 student's parent and the accompanying student
12 to review the questions and the student's
13 answers to those questions on the
14 criterion-referenced portion of the Florida
15 Comprehensive Assessment Test; providing
16 restrictions on the review; requiring the
17 Department of Education to honor the requests
18 within a certain time period; requiring that
19 district school boards notify eligible parents;
20 requiring the State Board of Education to adopt
21 rules; authorizing reasonable attorney's fees
22 and costs under certain circumstances; amending
23 s. 1008.22, F.S.; delaying the date by which
24 the Commissioner of Education must approve the
25 use of specified standardized tests as an
26 alternative to the grade 10 Florida
27 Comprehensive Assessment Test (FCAT); allowing
28 passage of the alternative tests to satisfy the
29 assessment requirement for students graduating
30 from high school in the 2003-2004 school year,
31 subject to certain conditions; amending s.

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1 1003.433, F.S.; allowing passage of alternate
2 assessments in lieu of the grade 10 FCAT for
3 certain transfer students subject to certain
4 conditions beginning in the 2004-2005 school
5 year; repealing s. 1008.301, F.S., relating to
6 concordance studies by the State Board of
7 Education; providing for applicability;

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