

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

WD/2R
04/28/2004 05:55 PM

.
. .
. .
. .
. .
. .

Senator Siplin moved the following **amendment to amendment**
(241868):

Senate Amendment (with title amendment)

On page 45, lines 14 and 15, delete those lines

and insert:

Section 32. 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

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

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

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

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

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

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

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

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

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

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

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

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

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

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

10 Section 33. Subsection (9) of section 1008.22, Florida
 11 Statutes, is amended to read:

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

14 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

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

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

1 ~~alternative tests.~~

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

5 Section 34. Subsection (1) of section 1003.433,
6 Florida Statutes, is amended to read:

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

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

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

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

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

28 Section 35. Section 1008.301, Florida Statutes, as
29 created by section 2 of chapter 2003-80, Laws of Florida, is
30 repealed.

31 Section 36. Except as otherwise expressly provided in

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

1 this act, this act shall take effect upon becoming a law,
2 except that section 32 of this act shall take effect July 1,
3 2004, and shall apply to each Florida Comprehensive Assessment
4 Test administered after July 1, 2004.

5

6

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

8 And the title is amended as follows:

9 On page 50, line 26, after the semicolon

10

11 insert:

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

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 474122

1 from high school in the 2003-2004 school year,
2 subject to certain conditions; amending s.
3 1003.433, F.S.; allowing passage of alternate
4 assessments in lieu of the grade 10 FCAT for
5 certain transfer students subject to certain
6 conditions beginning in the 2004-2005 school
7 year; repealing s. 1008.301, F.S., relating to
8 concordance studies by the State Board of
9 Education; providing for applicability;

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31