

By Senator Siplin

19-80-05

1 A bill to be entitled
 2 An act relating to student 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. 1003.433, F.S.; allowing passage of
 17 alternative assessments in lieu of the grade 10
 18 FCAT for certain transfer students subject to
 19 certain conditions beginning in the 2005-2006
 20 school year; repealing s. 1008.301, F.S.,
 21 relating to concordance studies by the State
 22 Board of Education; providing for
 23 applicability; providing effective dates.

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

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 27 Section 1. Section 1008.23, Florida Statutes, is
 28 amended to read:
 29 1008.23 Confidentiality of assessment instruments.--
 30 (1) All examination and assessment instruments,
 31 including developmental materials and workpapers directly

1 related thereto, which are prepared, prescribed, or
2 administered pursuant to ss. 1003.43, 1008.22, and 1008.25
3 shall be confidential and exempt from the provisions of s.
4 119.07(1) and from s. 1001.52. Provisions governing access,
5 maintenance, and destruction of such instruments and related
6 materials shall be prescribed by rules of the State Board of
7 Education.

8 (2) Notwithstanding subsection (1), a student's
9 parent, accompanied by the student, may review, at the
10 student's school at which the student was enrolled when the
11 student was administered the Florida Comprehensive Assessment
12 Test, the questions on each section of the
13 criterion-referenced portion of the Florida Comprehensive
14 Assessment Test, as well as the student's answers to those
15 questions, under the following conditions:

16 (a) The student must have failed to earn a passing
17 score on the grade 10 Florida Comprehensive Assessment Test or
18 failed to score at Level 2 or higher on the Florida
19 Comprehensive Assessment Test in reading for grade 3.

20 (b) No recording or copying of the assessment may be
21 made.

22 (c) A school administrator, as defined in s.
23 1012.01(3)(c), or a representative of the Department of
24 Education must be present at all times when the assessment is
25 reviewed.

26 (d) The student or student's parent may not review the
27 assessment more than one time.

28 (e) No other individual is authorized to attend the
29 review.

30 (f) The assessment was not administered to the student
31 more than 2 years before the review.

1 (g) The student or student's parent may not remove the
2 assessment from the reviewing location.

3 (h) The student, the student's parent, or the school
4 administrator may not take any notes during the review.

5 (i) The parent requests the review subsequent to the
6 determination of the student's score and within 14 days
7 following the determination of the student's score.

8
9 The Department of Education shall ensure that the assessment
10 questions and the student's answers are provided for the
11 requested review within 30 days following the complete scoring
12 of the assessment upon proper request by the parent. Each
13 district school board shall notify eligible parents of the
14 review option and the procedures for the review. The State
15 Board of Education shall adopt rules pursuant to ss.
16 120.536(1) and 120.54 to administer this subsection. If the
17 review request is not met in accordance with this subsection,
18 the parent is entitled to reasonable attorney's fees and costs
19 incurred by the parent in obtaining compliance with this
20 subsection.

21 Section 2. Subsection (1) of section 1003.433, Florida
22 Statutes, is amended to read:

23 1003.433 Learning opportunities for out-of-state and
24 out-of-country transfer students and students needing
25 additional instruction to meet high school graduation
26 requirements.--

27 (1) Students who enter a Florida public school at the
28 eleventh or twelfth grade from out of state or from a foreign
29 country shall not be required to spend additional time in a
30 Florida public school in order to meet the high school course
31 requirements if the student has met all requirements of the

1 school district, state, or country from which he or she is
2 transferring. Such students who are not proficient in English
3 should receive immediate and intensive instruction in English
4 language acquisition. However, to receive a standard high
5 school diploma, a transfer student must:

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

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

9 (c) Beginning in the 2005-2006 school year, attain
10 scores on the SAT or ACT which equate to the passing scores on
11 the grade 10 FCAT, if the student is a twelfth grade student
12 an alternate assessment as described in s. 1008.22(9).

13 Section 3. Section 1008.301, Florida Statutes, is
14 repealed.

15 Section 4. This act shall take effect upon becoming a
16 law, except that section 1 of this act shall take effect July
17 1, 2005, and shall apply to each Florida Comprehensive
18 Assessment Test administered after July 1, 2005.

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21 SENATE SUMMARY

22 Authorizes a student's parent and the accompanying
23 student to review the questions and the student's answers
24 to those questions on the criterion-referenced portion of
25 the Florida Comprehensive Assessment Test. Provides
26 restrictions on the review. Requires the Department of
27 Education to honor such requests within a certain period
28 of time. Requires that district school boards notify
29 eligible parents. Requires the State Board of Education
30 to adopt rules. Authorizes reasonable attorney's fees and
31 costs in certain circumstances. Allows certain transfer
students to pass alternative assessment instruments in
lieu of passing the grade-10 FCAT.