

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Committee

BILL: SB 222

SPONSOR: Senator Wilson

SUBJECT: Schools/Student Assessment Program

DATE: February 2, 2005      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	O'Farrell	ED	<b>Favorable</b>
2.	_____	_____	EA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The bill extends the use of passing scores on the ACT or SAT assessments to satisfy the FCAT requirement for high school graduation. The bill requires:

- the State Board of Education to annually determine the SAT and ACT scores that are concordant with the FCAT scores required for high school graduation; and
- the Commissioner of Education to approve the use of the SAT and ACT as alternatives to the FCAT.

To use the alternative assessment scores, a student must take the 10th grade FCAT three times without earning a passing score. Also the bill repeals s. 1008.301, F.S., relating to the concordance studies and the State Board of Education's authority to adopt scores of equivalent assessments.

This bill substantially amends s. 1008.22, F.S., repeals s. 1008.301, F.S., and reenacts ss. 1003.429 and 1003.43, F.S., to incorporate the changes made to s. 1008.22, F.S.

The effective date of the bill is upon becoming a law.

## II. Present Situation:

### Federal Law

Part A of the Elementary and Secondary Education Act (Title I), as reauthorized by the No Child Left Behind Act of 2001 (NCLB), sets forth specific testing requirements for public school students. Title I is the single largest source of federal education funding. In order to receive funding under Part A of Title I, states must comply with its requirements, including its testing requirements. Florida received approximately \$477 million in federal funding under Part A of Title I in 2002-2003 and approximately \$524 million in 2003-2004.<sup>1</sup>

<sup>1</sup> Source: Florida Department of Education, Bureau of Grants Management.

Under Title I, the Florida Department of Education, as the state's educational agency, is required to adopt challenging academic content and student academic achievement standards. Florida has adopted the Sunshine State Standards as its academic content standards. The state is required to apply the same academic standards to all schools and children in the state. Subjects to be covered by these standards must include at least mathematics, reading or language arts, and (beginning in 2005-2006), science.

As part of this program, the law also requires states to implement student academic assessments in mathematics, reading/language arts, and (beginning in 2007-2008) science. These tests must be used as the "primary means" of determining the yearly performance of the state, the school districts, and schools in meeting the goals of Title I. By law, the tests must be aligned to the state's academic content standards.<sup>2</sup> For Florida, this means that the testing instrument used for purposes of meeting federal law requirements must be aligned to the Sunshine State Standards.

Testing that is performed pursuant to Title I is used to measure whether states and schools are making "adequate yearly progress" toward state student proficiency goals under the Title I requirements.<sup>3</sup> Title I contains progressively more serious consequences for schools that fail to make adequate yearly progress in improving student proficiency, as measured by test scores.

The requirements of Title I are designed to improve student achievement and close academic achievement gaps among subgroups of students. Unless participation in particular tests is individually determined to be inappropriate for a particular student, federal law generally requires inclusion of all students in assessments. Federal law requires states or districts to develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in state and district wide assessment programs and to conduct alternate assessments.

NCLB requires reporting of test information for students disaggregated by certain specific subgroups, including the major ethnic and racial groups, economically disadvantaged students, limited English proficient students, students with disabilities, as well as the overall student population as a whole.

### **Florida Comprehensive Assessment Test (FCAT)**

Florida currently requires public school students in grades 3 through 10 to take the reading and math portions of the FCAT each year. Students in grades 4, 8, and 10 must also take the writing portion of the FCAT, and students in grades 5, 8, and 10 must take the science portion of the FCAT.

The FCAT is comprised of two components. A criterion-referenced test measures the student's achievement of benchmarks in reading, writing, science, and mathematics in accordance with the

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<sup>2</sup> 20 U.S.C. s. 6311 (b)(1)(D)(ii).

<sup>3</sup> The definition of "adequate yearly progress" varies by state. It is established by the state's educational agency within the parameters of NCLB's requirements. In Florida, the Department of Education sets the standards for adequate yearly progress of all public elementary and secondary schools, school districts, and the state. The determination of adequate yearly progress must be based on academic assessments (testing). See 20 U.S.C. s. 6311(b)(2).

Sunshine State Standards. The second component is a norm-referenced test that measures the student's performance against national norms.

The FCAT is administered to students in grades 3 through 10 once a year on a schedule approved by the Commissioner of Education. For students who do not attain minimum performance expectations on the 10th grade FCAT, the FCAT must be administered for up to three times each year.

### **High School Graduation Requirements**

Students may not graduate from high school with a standard high school diploma if they do not meet the required credits and Grade Point Average (GPA), complete all district requirements, and pass the 10th grade FCAT in reading, writing, and mathematics, unless they are exempt or subject to a waiver of the assessment requirement. State Board of Education rule designates the passing scores for each part of the FCAT.

### **FCAT Waivers and Alternatives**

#### *Students with Disabilities*

The 2003 Legislature provided for waiving the requirement to earn a passing score on the FCAT in order to receive a standard high school diploma. This waiver applies to a student with a disability, as defined in s. 1007.02(2), F.S., for whom the individual educational plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities, taking into consideration all allowable accommodations. The law (s. 1003.43(11)(b), F.S.) provides that a waiver may be granted if the student:

- completes the minimum number of credits and other requirements prescribed by subsections (1) and (4) of the section.
- does not earn a passing score on the FCAT, after one opportunity in 10th grade and one opportunity in 11th grade.

#### *Use of Concordance Studies*

Concordance studies are a recognized technical procedure for converting scores from one standardized test to another. In the 2003 regular legislative session, the Legislature directed the State Board of Education to conduct a study to determine the comparability of the FCAT with commercially produced standardized assessments. The State Board of Education was authorized (s. 1008.301, F.S.) to adopt the scores of equivalent assessments as an alternative to satisfying the FCAT requirement for high school graduation.

During special legislative session 2003 "B," the Legislature (s. 1008.22(9), F.S.) similarly directed the Commissioner of Education to conduct a concordance study and authorized the Commissioner to approve the use of equivalent tests as alternatives to the 10th grade FCAT. A student who earns an equivalent score on an approved alternative assessment meets the assessment requirement for graduation with a standard high school diploma. The use of these alternative assessments was limited to the 2002-2003 school year graduating class.

The DOE completed concordance studies for the FCAT, PLAN, PSAT, SAT and ACT.<sup>4</sup> The

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<sup>4</sup> The ACT Assessment®, according to the American College Testing Program, is a national college admission examination. The PLAN®, according to the American College Testing Program, is a comprehensive guidance resource that helps students

DOE noted that although not perfectly aligned, the ACT and SAT cover a majority of the Sunshine State Standards. Twelfth grade students in the 2002-2003 graduating class who attained the SAT or ACT scores concordant with the FCAT passing scores shown below satisfied the assessment requirement for a standard high school diploma. These scores apply only to seniors graduating in 2002-2003.

AUTHORIZED CONCORDANT SCORES			
Reading		Math	
FCAT	287	FCAT	295
SAT	370	SAT	350
ACT	14	ACT	15
Source: Memorandum, Commissioner of Education to School District Superintendents, July 7, 2003.			

The department also prepared the following information related to the ACT, SAT, and the FCAT score of 300 in reading and math:<sup>5</sup>

CONCORDANCE SCORES USING FCAT SCORE OF 300 <sup>b</sup>			
Reading		Math	
FCAT	300	FCAT	300
SAT equivalent to FCAT 300	410	SAT equivalent to FCAT 300	370
SAT for college placement	440	SAT for college placement	440
Florida SAT Mean, 2001	498	Florida SAT Mean, 2001	499
ACT equivalent to FCAT 300	15	ACT equivalent to FCAT 300	15
ACT for college placement	18	ACT for college placement	19
Florida ACT Mean, 2002	20.8	Florida ACT Mean, 2002	20.3

According to the DOE, the ACT and SAT concordance scores for these FCAT scores are lower than the ACT and SAT scores for college placement and the statewide mean for these tests. Although the department also conducted concordance studies for the PLAN and the PSAT, the Commissioner of Education did not authorize concordance scores for these tests. The DOE did not recommend that the State Board of Education adopt substitute scores for the PLAN and the PSAT because scores may impact 10th grade test taking behavior and a concern that the FCAT would lose the ability to measure rising student achievement statewide. The State Board of Education never adopted any equivalent scores.

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measure their current academic development, explore career/training options, and make plans for the remaining years of high school and post-graduation years. The SAT®, according to the College Board, has become a simple way of referring to the SAT I Reasoning Test that measures verbal and mathematical skills. The SAT II subject tests are primarily multiple choice tests in specific subjects. The PSAT/NMSQT (Preliminary SAT®/National Merit Scholarship Qualifying Test) contains actual SAT questions and gives the student a chance to qualify for scholarship and recognition programs. The state provides funding for all 10th grade students to take the College Board’s PSAT or the American College Testing Program’s ACT (see Chapter 2004-268, Specific Appropriation 139).

<sup>5</sup> Effective February 1, 2002, the FCAT passing score for reading and math was increased by administrative rule to 300, beginning with all first time grade 10 FCAT test takers in March 2002. The law (s. 1008.22(3)(c) 5., F.S.) provides that any administrative rules that have the effect of raising the required passing scores must only apply to students taking the FCAT after such rules are adopted by the state.

<sup>6</sup> Source: *FCAT Concordance Study Tables*, Department of Education, Office of Policy Research and Improvement, Articulation Coordinating Committee, May 21, 2003.

The DOE did not conduct a concordance study of the FCAT and the tests used for entry into the military, since the agency did not maintain a database of ASVAB (Armed Services Vocational Aptitude Battery) scores to support a concordance study and the sample size was not sufficient to conduct this type of study.

Of the 143,249 students in the 2002-2003 high school graduating class, most students earned either a high school diploma or a certificate of completion. Most of the students who earned a standard high school diploma did not use waivers or other alternatives to the FCAT requirement.<sup>7</sup> Approximately 125 students used their ACT or SAT scores in lieu of the required FCAT score.

The 2004 Legislature continued the use of concordance scores. To use the alternative assessment scores, a student must take the 10th grade FCAT three times without earning a passing score. This requirement applies only to the 2003-2004 school year. It does not apply to students who are new to the public school system in grade 12.

The DOE reports that approximately 544 students used their ACT or SAT scores in lieu of the required FCAT score (300 in reading and math) during the 2003-2004 school year for high school graduation pursuant to the following:

Program Completed	Credits	Authority	Number of Students
4-year program	24	s. 1003.43, F.S.	486
3-year college preparatory accelerated program	18	s. 1003.429, F.S.	51
3-year career preparatory accelerated program	18	s. 1003.429, F.S.	7

The DOE notes that this data was reported in August 2004 and includes students in summer school in 2004. It is unknown as to the total number of 2003-2004 eleventh or twelfth grade students who will use their ACT or SAT scores in lieu of the required FCAT scores. The law does not limit the period of time during which the concordance scores may be used in lieu of the FCAT requirement for high school graduation. Similarly, the total number of twelfth grade students in the 2002-2003 graduating class who attain the SAT or ACT concordance scores may also increase over time.

**Out-of-State and Out-of-Country Transfer Students**

The law (s. 1003.433, F.S.) prohibits 11th and 12th grade students who transfer to a Florida public school from another state or a foreign country from being required to spend additional time in school in order to meet high school course requirements, if they have met all the requirements of the originating school district, state, or country. Transfer students must meet the following requirements to receive a standard high school diploma: earn a 2.0 grade point average; and pass the 10th grade FCAT or an alternative assessment in s. 1008.22(9), F.S.

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<sup>7</sup> “FCAT Impact on Pupil Progression and High School Graduation,” Senate Education Committee Interim Project, Report 2004-129, February 2004.

**Learning Opportunities for Students**

The law requires additional learning opportunities for students who meet all the requirements for a standard high school diploma except for passing the 10th grade FCAT or an alternative assessment by the end of grade 12, including the following:

- Participation in an accelerated high school equivalency diploma preparation program during the summer.
- Taking the College Placement Test, with admittance to remedial or credit courses at a state community college, as appropriate, upon receipt of a certificate of completion.

Students enrolled in an ESOL program for less than 2 school years and who meet all requirements for the standard high school diploma except for passing the FCAT or an alternative assessment may receive immersion English language instruction during the summer following their senior year. These students are eligible to take the FCAT or an alternative assessment and receive a standard high school diploma if they pass. This option is available to the extent funding is provided in the General Appropriations Act. Students attending the adult general education program must have the opportunity to take the 10th grade FCAT for an unlimited number of times in order to receive a standard high school diploma.

**Accelerated High School Graduation Options**

Section 1003.429, F.S., permits high school students to select one of three high school graduation program options: completion of the general requirements for high school graduation pursuant to s. 1003.43, F.S. (a 4-year program); completion of a 3-year college preparatory program; or completion of a 3-year career preparatory program. A student meeting all statutory requirements for his or her chosen program is awarded a standard high school diploma. Students who are pursuing the completion of a 3-year college preparatory program or completion of a 3-year career preparatory program must earn a passing score on the FCAT or earn concordant scores on the ACT and SAT assessments.

**III. Effect of Proposed Changes:**

**Section 1.** The bill extends the use of concordant scores on the ACT and SAT assessments to satisfy the FCAT requirement for high school graduation. The bill requires the State Board of Education to annually determine the SAT and ACT scores that are concordant with the FCAT scores required for high school graduation. The bill requires the Commissioner of Education to approve the use of the SAT and ACT as alternatives to the FCAT. To use the alternative assessment scores, a student must take the 10th grade FCAT three times without earning a passing score.

**Section 2.** The bill repeals s. 1008.301, F.S., relating to the concordance studies and the State Board of Education's authority to adopt scores of equivalent assessments.

**Sections 3 and 4.** This bill reenacts ss. 1003.429 and 1003.43, F.S., relating to accelerated high school graduation requirements and the general requirements for high school graduation, to incorporate the changes made to s. 1008.22, F.S.

**Section 5.** The effective date of the bill is upon becoming a law.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The State Board of Education (SBE) must determine ACT and SAT concordant scores each time the FCAT passing scores change. The SBE may incur some cost in making this determination.

The Department of Education (DOE) currently offers additional testing opportunities for students who are unable to earn a passing score on the 10th grade FCAT. The DOE may incur a currently indeterminate cost in tracking the frequency of testing for individual students and determining whether individual student scores satisfy the high school graduation requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Other states that require high school students to earn a minimum score on an “exit exam” as a graduation requirement for a standard high school diploma include Alabama, California, Georgia, Mississippi, New York, North Carolina, South Carolina, Tennessee, Texas, and Virginia.<sup>8</sup>

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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<sup>8</sup> “FCAT Impact on Pupil Progression and High School Graduation,” Senate Education Committee Interim Project, Report 2004-129, February 2004.



## **VIII. Summary of Amendments:**

None.

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