## Florida Senate - 2005

By Senator Siplin

19-822B-05 See HB 379 1 A bill to be entitled 2 An act relating to student assessment instruments; amending s. 1008.23, F.S.; 3 authorizing a student's parent and the student 4 5 to review the questions and the student's б answers to questions on the 7 criterion-referenced portion of the Florida 8 Comprehensive Assessment Test; providing 9 restrictions on the review; requiring the 10 Department of Education to honor requests within a certain time period; requiring that 11 12 district school boards notify eligible parents; 13 requiring the State Board of Education to adopt rules; authorizing reasonable attorney's fees 14 and costs under certain circumstances; amending 15 s. 1003.433, F.S.; revising requirements for 16 17 receipt of a standard high school diploma for certain transfer students; providing an 18 effective date. 19 20 21 Be It Enacted by the Legislature of the State of Florida: 22 23 Section 1. Section 1008.23, Florida Statutes, is amended to read: 2.4 1008.23 Confidentiality of assessment instruments.--25 (1) All examination and assessment instruments, 26 27 including developmental materials and workpapers directly 2.8 related thereto, which are prepared, prescribed, or administered pursuant to ss. 1003.43, 1008.22, and 1008.25 29 shall be confidential and exempt from the provisions of s. 30 119.07(1) and from s. 1001.52. Provisions governing access, 31

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1	maintenance, and destruction of such instruments and related
2	materials shall be prescribed by rules of the State Board of
3	Education.
4	(2) Notwithstanding subsection (1), a student's
5	parent, accompanied by the student, may review, at the school
б	at which the student was enrolled when the student was
7	administered the Florida Comprehensive Assessment Test, the
8	questions on each section of the criterion-referenced portion
9	of the Florida Comprehensive Assessment Test, as well as the
10	student's answers to those questions, under the following
11	conditions:
12	(a) The student must have failed to earn a passing
13	score on the grade 10 Florida Comprehensive Assessment Test or
14	failed to score at Level 2 or higher on the Florida
15	Comprehensive Assessment Test in reading for grade 3.
16	(b) No recording or copying of the assessment may be
17	made.
18	(c) A school administrator, as defined in s.
19	1012.01(3)(c), or a representative of the Department of
20	Education must be present at all times when the assessment is
21	reviewed.
22	(d) The student or student's parent may not review the
23	assessment more than one time.
24	(e) No other individual is authorized to attend the
25	review.
26	(f) The assessment was not administered to the student
27	more than 2 years before the review.
28	(q) The student or student's parent may not remove the
29	assessment from the reviewing location.
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1 (h) The student, the student's parent, the school 2 administrator, or the department representative may not take 3 any notes during the review. 4 (i) The parent must request the review within 14 days after receipt of the student's score. 5 б 7 The Department of Education shall provide for review of the 8 assessment questions and the student's answers to the questions within 30 days after receiving the request for 9 10 review. Each district school board shall notify eligible parents of the review option and the procedures for the 11 12 review. The State Board of Education shall adopt rules 13 pursuant to ss. 120.536(1) and 120.54 to administer this subsection. If the review request is not met in accordance 14 with this subsection, the parent is entitled to reasonable 15 attorney's fees and costs incurred by the parent in obtaining 16 17 compliance with this subsection. Section 2. Subsection (1) of section 1003.433, Florida 18 Statutes, is amended to read: 19 20 1003.433 Learning opportunities for out-of-state and 21 out-of-country transfer students and students needing additional instruction to meet high school graduation 2.2 23 requirements. --(1) Students who enter a Florida public school at the 2.4 eleventh or twelfth grade from out of state or from a foreign 25 26 country shall not be required to spend additional time in a 27 Florida public school in order to meet the high school course 2.8 requirements if the student has met all requirements of the 29 school district, state, or country from which he or she is transferring. Such students who are not proficient in English 30 should receive immediate and intensive instruction in English 31

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1	language acquisition. However, to receive a standard high
2	school diploma, a transfer student must earn a 2.0 grade point
3	average and pass the grade 10 FCAT required in s. 1008.22(3)
4	or an alternate assessment as described in s. 1008.22(9).
5	Beginning with the 2005-2006 school year, to receive a
6	standard high school diploma, a transfer student who is in the
7	eleventh grade at the time of the transfer must earn a 2.0
8	grade point average and must pass the grade 10 FCAT required
9	in s. 1008.22(3), and a transfer student who is in the twelfth
10	grade at the time of the transfer must earn a 2.0 grade point
11	average and must earn scores on the SAT or the ACT that equate
12	to the passing scores on the grade 10 FCAT.
13	Section 3. This act shall take effect July 1, 2005.
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