



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  
6 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 (g) 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  
5 after receipt of the student's score.

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

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

20           1003.433 Learning opportunities for out-of-state and  
21 out-of-country transfer students and students needing  
22 additional instruction to meet high school graduation  
23 requirements.--

24           (1) Students who enter a Florida public school at the  
25 eleventh or twelfth grade from out of state or from a foreign  
26 country shall not be required to spend additional time in a  
27 Florida public school in order to meet the high school course  
28 requirements if the student has met all requirements of the  
29 school district, state, or country from which he or she is  
30 transferring. Such students who are not proficient in English  
31 should receive immediate and intensive instruction in English

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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