

By Senator Argenziano

3-1587-05

See HB

1 A bill to be entitled
2 An act relating to students with disabilities;
3 amending s. 1003.43, F.S.; providing additional
4 options through which a student with
5 disabilities may receive a waiver from passing
6 the grade 10 FCAT for purposes of high school
7 graduation; amending s. 1008.22, F.S.;
8 conforming provisions relating to statewide
9 student assessment; amending s. 1008.25, F.S.;
10 providing an additional good cause exemption
11 from mandatory third grade retention; providing
12 an effective date.

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

16 Section 1. Subsection (11) of section 1003.43, Florida
17 Statutes, is amended to read:

18 1003.43 General requirements for high school
19 graduation.--

20 (11)(a) Each district school board must provide
21 instruction to prepare students with disabilities to
22 demonstrate proficiency in the skills and competencies
23 necessary for successful grade-to-grade progression and high
24 school graduation.

25 (b) A student with a disability, as defined in s.
26 1007.02(2), for whom the individual educational plan (IEP)
27 committee determines that the FCAT cannot accurately measure
28 the student's abilities taking into consideration all
29 allowable accommodations, shall have the FCAT requirement of
30 paragraph (5)(a) waived for the purpose of receiving a
31 standard high school diploma, if the student:

1 1. Completes the minimum number of credits and other
2 requirements prescribed by subsections (1) and (4) ~~and~~
3 ~~2.~~ does not meet the requirements of paragraph (5)(a)
4 after one opportunity in 10th grade and one opportunity in
5 11th grade; ~~or~~

6 2. Demonstrates mastery of the Sunshine State
7 Standards.

8 (c) A student with a disability, as defined in s.
9 1007.02(2), may elect to pursue a special diploma in which
10 case the FCAT requirement of paragraph (5)(a) shall be waived.
11 This election shall be exercised by October 1 of the grade in
12 which the FCAT would otherwise initially be administered to
13 the student.

14 Section 2. Paragraph (c) of subsection (3) of section
15 1008.22, Florida Statutes, is amended to read:

16 1008.22 Student assessment program for public
17 schools.--

18 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
19 shall design and implement a statewide program of educational
20 assessment that provides information for the improvement of
21 the operation and management of the public schools, including
22 schools operating for the purpose of providing educational
23 services to youth in Department of Juvenile Justice programs.
24 The commissioner may enter into contracts for the continued
25 administration of the assessment, testing, and evaluation
26 programs authorized and funded by the Legislature. Contracts
27 may be initiated in 1 fiscal year and continue into the next
28 and may be paid from the appropriations of either or both
29 fiscal years. The commissioner is authorized to negotiate for
30 the sale or lease of tests, scoring protocols, test scoring
31 services, and related materials developed pursuant to law.

1 Pursuant to the statewide assessment program, the commissioner
2 shall:

3 (c) Develop and implement a student achievement
4 testing program known as the Florida Comprehensive Assessment
5 Test (FCAT) as part of the statewide assessment program, to be
6 administered annually in grades 3 through 10 to measure
7 reading, writing, science, and mathematics. Other content
8 areas may be included as directed by the commissioner. The
9 testing program must be designed so that:

10 1. The tests measure student skills and competencies
11 adopted by the State Board of Education as specified in
12 paragraph (a). The tests must measure and report student
13 proficiency levels in reading, writing, mathematics, and
14 science. The commissioner shall provide for the tests to be
15 developed or obtained, as appropriate, through contracts and
16 project agreements with private vendors, public vendors,
17 public agencies, postsecondary educational institutions, or
18 school districts. The commissioner shall obtain input with
19 respect to the design and implementation of the testing
20 program from state educators and the public.

21 2. The testing program will include a combination of
22 norm-referenced and criterion-referenced tests and include, to
23 the extent determined by the commissioner, questions that
24 require the student to produce information or perform tasks in
25 such a way that the skills and competencies he or she uses can
26 be measured.

27 3. Each testing program, whether at the elementary,
28 middle, or high school level, includes a test of writing in
29 which students are required to produce writings that are then
30 scored by appropriate methods.

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1 4. A score is designated for each subject area tested,
2 below which score a student's performance is deemed
3 inadequate. The school districts shall provide appropriate
4 remedial instruction to students who score below these levels.

5 5. Except as provided in s. 1003.43(11)(b) or (c),
6 students must earn a passing score on the grade 10 assessment
7 test described in this paragraph or on an alternate assessment
8 as described in subsection (9) in reading, writing, and
9 mathematics to qualify for a regular high school diploma. The
10 State Board of Education shall designate a passing score for
11 each part of the grade 10 assessment test. In establishing
12 passing scores, the state board shall consider any possible
13 negative impact of the test on minority students. All students
14 who took the grade 10 FCAT during the 2000-2001 school year
15 shall be required to earn the passing scores in reading and
16 mathematics established by the State Board of Education for
17 the March 2001 test administration. Such students who did not
18 earn the established passing scores and must repeat the grade
19 10 FCAT are required to earn the passing scores established
20 for the March 2001 test administration. All students who take
21 the grade 10 FCAT for the first time in March 2002 shall be
22 required to earn the passing scores in reading and mathematics
23 established by the State Board of Education for the March 2002
24 test administration. The State Board of Education shall adopt
25 rules which specify the passing scores for the grade 10 FCAT.
26 Any such rules, which have the effect of raising the required
27 passing scores, shall only apply to students taking the grade
28 10 FCAT for the first time after such rules are adopted by the
29 State Board of Education.

30 6. Participation in the testing program is mandatory
31 for all students attending public school, including students

1 served in Department of Juvenile Justice programs, except as
2 otherwise prescribed by the commissioner. If a student does
3 not participate in the statewide assessment, the district must
4 notify the student's parent and provide the parent with
5 information regarding the implications of such
6 nonparticipation. If modifications are made in the student's
7 instruction to provide accommodations that would not be
8 permitted on the statewide assessment tests, the district must
9 notify the student's parent of the implications of such
10 instructional modifications. A parent must provide signed
11 consent for a student to receive instructional modifications
12 that would not be permitted on the statewide assessments and
13 must acknowledge in writing that he or she understands the
14 implications of such accommodations. The State Board of
15 Education shall adopt rules, based upon recommendations of the
16 commissioner, for the provision of test accommodations and
17 modifications of procedures as necessary for students in
18 exceptional education programs and for students who have
19 limited English proficiency. Accommodations that negate the
20 validity of a statewide assessment are not allowable.

21 7. A student seeking an adult high school diploma must
22 meet the same testing requirements that a regular high school
23 student must meet.

24 8. District school boards must provide instruction to
25 prepare students to demonstrate proficiency in the skills and
26 competencies necessary for successful grade-to-grade
27 progression and high school graduation. If a student is
28 provided with accommodations or modifications that are not
29 allowable in the statewide assessment program, as described in
30 the test manuals, the district must inform the parent in
31 writing and must provide the parent with information regarding

1 | the impact on the student's ability to meet expected
2 | proficiency levels in reading, writing, and math. The
3 | commissioner shall conduct studies as necessary to verify that
4 | the required skills and competencies are part of the district
5 | instructional programs.

6 | 9. The Department of Education must develop, or
7 | select, and implement a common battery of assessment tools
8 | that will be used in all juvenile justice programs in the
9 | state. These tools must accurately measure the skills and
10 | competencies established in the Florida Sunshine State
11 | Standards.

12 |
13 | The commissioner may design and implement student testing
14 | programs, for any grade level and subject area, necessary to
15 | effectively monitor educational achievement in the state.

16 | Section 3. Paragraph (b) of subsection (6) of section
17 | 1008.25, Florida Statutes, is amended to read:

18 | 1008.25 Public school student progression; remedial
19 | instruction; reporting requirements.--

20 | (6) ELIMINATION OF SOCIAL PROMOTION.--

21 | (b) The district school board may only exempt students
22 | from mandatory retention, as provided in paragraph (5)(b), for
23 | good cause. Good cause exemptions shall be limited to the
24 | following:

25 | 1. Limited English proficient students who have had
26 | less than 2 years of instruction in an English for Speakers of
27 | Other Languages program.

28 | 2. Students with disabilities whose individual
29 | education plan indicates that participation in the statewide
30 | assessment program is not appropriate, consistent with the
31 | requirements of State Board of Education rule or, beginning

1 with the 2005-2006 school year, students with disabilities who
2 demonstrate mastery of the Sunshine State Standards.

3 3. Students who demonstrate an acceptable level of
4 performance on an alternative standardized reading assessment
5 approved by the State Board of Education.

6 4. Students who demonstrate, through a student
7 portfolio, that the student is reading on grade level as
8 evidenced by demonstration of mastery of the Sunshine State
9 Standards in reading equal to at least a Level 2 performance
10 on the FCAT.

11 5. Students with disabilities who participate in the
12 FCAT and who have an individual education plan or a Section
13 504 plan that reflects that the student has received the
14 intensive remediation in reading, as required by paragraph
15 (4)(b), for more than 2 years but still demonstrates a
16 deficiency in reading and was previously retained in
17 kindergarten, grade 1, grade 2, or grade 3.

18 6. Students who have received the intensive
19 remediation in reading as required by paragraph (4)(b) for 2
20 or more years but still demonstrate a deficiency in reading
21 and who were previously retained in kindergarten, grade 1,
22 grade 2, or grade 3 for a total of 2 years. Intensive reading
23 instruction for students so promoted must include an altered
24 instructional day based upon an academic improvement plan that
25 includes specialized diagnostic information and specific
26 reading strategies for each student. The district school board
27 shall assist schools and teachers to implement reading
28 strategies that research has shown to be successful in
29 improving reading among low-performing readers.

30 Section 4. This act shall take effect July 1, 2005.

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