

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 379
SPONSOR(S): Peterman
TIED BILLS:

Student Assessment Instruments
IDEN./SIM. BILLS: SB 160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u></u>	<u>Howlette</u>	<u>Mizereck</u>
2) <u>Civil Justice Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Education Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Education Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

House bill 379 authorizes certain students and their parents to review FCAT questions and answers; provides restrictions on the review; requires the Department of Education to honor review requests within 30 days; requires district school boards to notify eligible parents; authorizes reasonable attorney’s fees and costs if review requests are not met; provides rule-making authority to the State Board of Education; allows twelfth grade transfer students to substitute SAT or ACT scores for the grade 10 FCAT for receipt of a standard high school diploma; and repeals provisions relating to FCAT equivalency and a concordance study.

The bill takes effect July 1, 2005

Substantive Impact

House bill 379 allows for the review of student FCAT results. Students failing the grade 10 FCAT and students scoring below Level 2 on the grade 3 FCAT, and their parents, would be authorized to request a review of the individual student’s results. School districts would be liable for legal fees if they are not in compliance with the review requirements. The State Board of Education is required to make rules to administer the test reviews.

The bill amends the provision for acquiring a standard high school diploma as it relates to 11th and 12th grade transferring students. It allows 12th grade transferring students to use SAT or ACT scores that equate to a passing score on the grade 10 FCAT to obtain the standard high school diploma. Eleventh grade transfer students would have to earn a 2.0 grade point average and pass the grade 10 FCAT.

The bill repeals s. 1008.301, F.S., relating to FCAT equivalency and a concordance study.

Fiscal Impact

The bill carries a potentially substantial fiscal impact. See fiscal comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide for limited government – The bill increases the responsibilities of the Department of Education; adds rule-making authority for the State Board of Education; and creates a parent entitlement to test review services with the possibility of lawsuits and court involvement.

Empower families – The bill assists families in knowing specific areas of weakness their children exhibited on the FCAT, where they may need remediation or additional instruction.

B. EFFECT OF PROPOSED CHANGES:

House bill 379 sets aside the confidentiality provision in section 1008.23 Florida Statutes to allow certain students and their parents to review the students' FCAT results. The review would be allowed for students who failed the grade 10 FCAT or did not score Level 2 or higher on the third grade reading FCAT. A school administrator must be present during the review and the student and student's parent cannot review the assessment more than one time. No other individual is authorized to be present during the review and the review must take place within two years of the assessment. The parent must request the review within 14 days after receipt of the student's score. Neither the student nor the parent may remove the assessment from the reviewing location and no one may take notes during the review. The Department of Education shall provide for review within 30 days after receiving the request by the eligible parent and shall inform the parent of the procedures for review. If the procedures and rules governing the review process are not complied with the parent would be entitled to reasonable attorney's fees and costs incurred by the parent in obtaining compliance. The bill requires the State Board of Education to adopt rules to administer this section.

The bill amends section 1003.433, Florida Statutes, to establish requirements for receiving a standard high school diploma for eleventh and twelfth grade transfer students. Eleventh grade transfer students would have to earn a 2.0 grade point average and pass the grade 10 FCAT. Twelfth grade transfer students would be allowed to use scores on the SAT or the ACT that equate with a passing score on the FCAT.

The bill repeals section 1008.31, Florida Statutes. This section requires the State Board of Education to analyze the PSAT, PLAN, SAT and ACT to determine if scores equivalent to the passing score on the grade 10 FCAT can be established. The State Board is authorized to adopt such equivalent scores as meeting FCAT graduation requirements, and must repeat this analysis each time FCAT scores are changed. This section took effect for students eligible to graduate in 2003-2004 and thereafter.

C. SECTION DIRECTORY:

Section 1: Amends s. 1008.23, F.S., to allow for the review of FCAT assessment results.

Section 2: Amends s. 1003.433, F.S., regarding graduation requirements for transferring 11th and 12th graders.

Section 3: Repeals s. 1008.301, F.S.

Section 4: Sets an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: This bill does not appear to have a fiscal impact on state government revenues.
2. Expenditures: See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill does not appear to have a fiscal impact on local government revenues.
2. Expenditures: See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have direct economic impact on the private sector.

D. FISCAL COMMENTS:

House bill 379 has three areas of potential fiscal impact: the cost to develop new FCAT test items; the cost to administer the review process; and court costs in the event review requests are not timely honored.

Requests for fiscal impact information from the Department of Education were not received at the time this bill analysis was prepared, so the fiscal impact is indeterminate at this time.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES