

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

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

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

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### SUMMARY ANALYSIS

Parents currently receive a report of their students' performance on the FCAT that breaks down their performance in general content categories. However, actual test questions and scored responses are not available for parental review largely due to the cost of developing new test items.

The bill allows 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 at Level 2 or higher on the grade 3 FCAT in reading. The bill specifies procedures for the review and provides that parents are entitled to reimbursement of reasonable attorney's fees or other costs incurred in securing compliance if their review request is not correctly honored.

Students graduating in 2003-04 were eligible to use the scores on an alternative assessment to meet graduation requirements only after failing to pass the grade 10 FCAT three times, with an exception for students new to the Florida public school system in grade 12. Equivalent passing scores on the SAT and ACT were determined by a concordance study conducted by the Department of Education.

The bill specifies graduation requirements for transfer students who enter in the eleventh or twelfth grade, including an option for transfer students in twelfth grade to earn equivalent scores on the SAT or ACT to satisfy the grade 10 FCAT graduation requirement. The bill repeals s. 1008.31, F.S., which removes the authorization for the SBE to approve the use of the SAT, ACT, PSAT, PLAN, or College Placement Test as alternative assessments to meet graduation requirements and may limit the ability to conduct new concordance studies when either the FCAT passing score, the ACT, or the SAT changes.

The bill 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. Please see Fiscal Comments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0379a.PKT.doc  
**DATE:** 4/7/2005

## 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:

##### **Disclosure of FCAT Questions**

Parents currently receive a report of their students' performance on the FCAT that breaks down their performance in general content categories.<sup>1</sup> In addition, the Department of Education (DOE) has created publications and resources that include a few released items from previous tests and sample FCAT questions.<sup>2</sup> However, actual test questions and scored responses are not available for parental review largely due to the cost of developing new test items.

According to DOE, the FCAT relies on a combination of test bank and anchor questions to create several versions of the test year. Permitting review may eliminate the ability to reuse questions, which is especially important for the grade 10 FCAT where four tests per year must be created. The DOE assessment is that a review of FCAT test questions and answers does not provide more information to the parent than the report of scores provides.<sup>3</sup>

The bill allows 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 at Level 2 or higher on the grade 3 FCAT in reading. Procedures for the review include the following:

- The review includes the questions on each section of the criterion-referenced portion of the FCAT, as well as the student's answers to those questions.
- No recording or copy of the assessment may be made. None of the individuals present during the review can take any notes.
- The student's parent may be accompanied by the student for the review, which must take place at the school at which the student was enrolled when he or she took the FCAT.
- A school administrator or a DOE representative must be present during the review. No other individual is authorized to be present during the review.
- The student and student's parent cannot review the assessment more than once. The review request must be made within 14 days after receipt of the student's score and the review must take place within two years of the assessment.
- Neither the student nor the parent may remove the assessment from the reviewing location.
- The DOE shall provide for review within 30 days after receiving the request.
- Each district school board shall inform eligible parents of the procedures for review.

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<sup>1</sup> For a sample of the parent report, see <http://fcat.fldoe.org/pdf/parentinfo.pdf>

<sup>2</sup> For an example, see *Understanding FCAT Scores 2004*. Available at [http://www.firn.edu/doe/sas/fcat/pdf/fc\\_ufr2004.pdf](http://www.firn.edu/doe/sas/fcat/pdf/fc_ufr2004.pdf) or FCAT Released Items from 2001 available at <http://www.firn.edu/doe/sas/fcat/fcatit01.htm>

<sup>3</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 379, February 18, 2005, at 2-3.

If the procedures and rules governing the review process are not met, the bill entitles the parent to reimbursement of 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 the reviews.

### Alternative Assessments for Grade 10 FCAT

The 2004 Legislature passed CS/SB 364 that required the Commissioner of Education to approve the use of the SAT and ACT tests as alternative assessments for the grade 10 FCAT for students graduating in 2003-04.<sup>4</sup> Students graduating in 2003-04 were eligible to use the scores on an alternative assessment to meet graduation requirements only after failing to pass the grade 10 FCAT three times, with an exception for students new to the Florida public school system in grade 12. Equivalent scores approved for 2003-2004 graduates were as follows:<sup>5</sup>

READING		MATH	
FCAT	300	FCAT	300
SAT	410	SAT	370
ACT	15	ACT	15

Equivalent passing scores on the SAT and ACT were determined by a concordance study conducted by the Department of Education (DOE). Section 1008.301, F.S. required the State Board of Education (SBE) to undertake a study to examine the PSAT, PLAN, SAT, ACT and College Placement Test for concordance with FCAT scores. Studies of each test were based on students who had taken the FCAT and had also taken one of the other standardized tests.<sup>6</sup> In addition to requiring the study, s. 1008.301, F.S. authorizes the SBE to adopt equivalent scores to meet graduation requirements in lieu of the FCAT passing score.

The bill provides that, beginning in 2005-06, transfer students in eleventh grade must earn a 2.0 grade point average (GPA) and pass the grade 10 FCAT in order to receive a standard diploma. Transfer students in twelfth grade must earn a 2.0 GPA and earn scores on the SAT or ACT equivalent to the passing score on the grade 10 FCAT. The bill repeals s. 1008.31, F.S., which removes the authorization for the SBE to approve the use of the SAT, ACT, PSAT, PLAN, or College Placement Test as alternative assessments to meet graduation requirements and may limit the ability to conduct new concordance studies when either the FCAT passing score, the ACT, or the SAT changes.

#### 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., to allow transfer students in twelfth grade to earn scores on the SAT or the ACT that equate to the passing score on the grade 10 FCAT for the purpose of receiving a standard high school diploma.

**Section 3:** Repeals s. 1008.301, F.S., relating to FCAT equivalency and a concordance study by the State Board of Education.

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

<sup>4</sup> Section 1008.22, F.S.

<sup>5</sup> Memorandum from Jim Horne, Commissioner of Education, to District School Superintendents. May 13, 2004. Available at <http://info.fldoe.org/dscgi/ds.py/Get/File-2060/fcatscore.pdf>

<sup>6</sup> Florida Department of Education, *Report of Concordance Studies*. June 17, 2003. Available at <http://www.firn.edu/doe/evaluation/pdf/cstdoc.pdf>

## 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 a fiscal 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.

Costs to develop each test include a cost of about \$1835 per item plus copyright fees. Nine tests would have to be developed new each year – grade 3 reading, and grade 10 reading and math for four administrations of the test. Based on a recent test development contract, DOE estimates the cost for the development of new tests at \$2,700,000 per year based on a cost of \$300,000 per test.<sup>7</sup>

Costs to the state for the review process include costs for the FCAT contractor to locate, copy, and mail copies of the student test book and answer sheet. The tests would have to be mailed by secure and fast mail methods to meet the timelines, and DOE estimates a need for 1-2 new positions to handle and process the requests, with a total cost for retrieval and distribution of \$600,000 per year.<sup>8</sup>

Costs to the school district to administer the review process are estimated by DOE at approximately \$45 per review, based on personnel costs relating to processing review requests, receiving and storing test books and answers, monitoring all reviews, and returning materials.<sup>9</sup>

Court costs cannot be estimated but are potentially large depending on the number of parents who request reviews, challenge the compliance of the districts and DOE, and receive awards for attorney's fees and other costs.

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<sup>7</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 379, February 18, 2005, at 4-5.

<sup>8</sup> *Id.*, at 5.

<sup>9</sup> *Id.*, at 4.

### **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:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill requires the State Board of Education to adopt rules to administer the parental reviews of FCAT test questions.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**