

1 A bill to be entitled
 2 An act relating to student assessment instruments;
 3 amending s. 1008.23, F.S.; authorizing a student's parent
 4 and the student to review the questions and the student's
 5 answers to questions on the criterion-referenced portion
 6 of the Florida Comprehensive Assessment Test; providing
 7 restrictions on the review; requiring the Department of
 8 Education to honor requests within a certain time period;
 9 requiring that district school boards notify eligible
 10 parents; requiring the State Board of Education to adopt
 11 rules; authorizing reasonable attorney's fees and costs
 12 under certain circumstances; amending s. 1003.433, F.S.;
 13 revising requirements for receipt of a standard high
 14 school diploma for certain transfer students; repealing s.
 15 1008.301, F.S., relating to FCAT equivalency and a
 16 concordance study by the State Board of Education;
 17 providing an effective date.

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

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 21 Section 1. Section 1008.23, Florida Statutes, is amended
 22 to read:

23 1008.23 Confidentiality of assessment instruments.--

24 (1) All examination and assessment instruments, including
 25 developmental materials and workpapers directly related thereto,
 26 which are prepared, prescribed, or administered pursuant to ss.
 27 1003.43, 1008.22, and 1008.25 shall be confidential and exempt
 28 from the provisions of s. 119.07(1) and from s. 1001.52.

29 Provisions governing access, maintenance, and destruction of
30 such instruments and related materials shall be prescribed by
31 rules of the State Board of Education.

32 (2) Notwithstanding subsection (1), a student's parent,
33 accompanied by the student, may review, at the school at which
34 the student was enrolled when the student was administered the
35 Florida Comprehensive Assessment Test, the questions on each
36 section of the criterion-referenced portion of the Florida
37 Comprehensive Assessment Test, as well as the student's answers
38 to those questions, under the following conditions:

39 (a) The student must have failed to earn a passing score
40 on the grade 10 Florida Comprehensive Assessment Test or failed
41 to score at Level 2 or higher on the Florida Comprehensive
42 Assessment Test in reading for grade 3.

43 (b) No recording or copying of the assessment may be made.

44 (c) A school administrator, as defined in s.
45 1012.01(3)(c), or a representative of the Department of
46 Education must be present at all times when the assessment is
47 reviewed.

48 (d) The student or student's parent may not review the
49 assessment more than one time.

50 (e) No other individual is authorized to attend the
51 review.

52 (f) The assessment was not administered to the student
53 more than 2 years before the review.

54 (g) The student or student's parent may not remove the
55 assessment from the reviewing location.

56 (h) The student, the student's parent, the school

57 administrator, or the department representative may not take any
 58 notes during the review.

59 (i) The parent must request the review within 14 days
 60 after receipt of the student's score.

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 62 The Department of Education shall provide for review of the
 63 assessment questions and the student's answers to the questions
 64 within 30 days after receiving the request for review. Each
 65 district school board shall notify eligible parents of the
 66 review option and the procedures for the review. The State Board
 67 of Education shall adopt rules pursuant to ss. 120.536(1) and
 68 120.54 to administer this subsection. If the review request is
 69 not met in accordance with this subsection, the parent is
 70 entitled to reasonable attorney's fees and costs incurred by the
 71 parent in obtaining compliance with this subsection.

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

74 1003.433 Learning opportunities for out-of-state and out-
 75 of-country transfer students and students needing additional
 76 instruction to meet high school graduation requirements.--

77 (1) Students who enter a Florida public school at the
 78 eleventh or twelfth grade from out of state or from a foreign
 79 country shall not be required to spend additional time in a
 80 Florida public school in order to meet the high school course
 81 requirements if the student has met all requirements of the
 82 school district, state, or country from which he or she is
 83 transferring. Such students who are not proficient in English
 84 should receive immediate and intensive instruction in English

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85 language acquisition. However, to receive a standard high school
86 diploma, a transfer student must earn a 2.0 grade point average
87 and pass the grade 10 FCAT required in s. 1008.22(3) or an
88 alternate assessment as described in s. 1008.22(9). Beginning
89 with the 2005-2006 school year, to receive a standard high
90 school diploma, a transfer student must earn a 2.0 grade point
91 average and pass the grade 10 FCAT required in s. 1008.22(3) if
92 the student is an eleventh grade student or earn scores on the
93 SAT or the ACT that equate to the passing scores on the grade 10
94 FCAT if the student is a twelfth grade student.

95 Section 3. Section 1008.301, Florida Statutes, is
96 repealed.

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