

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 91 Student Assessment

**SPONSOR(S):** Quinones

**TIED BILLS:** IDEN./SIM. BILLS:

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

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### SUMMARY ANALYSIS

House bill 91 requires the Department of Education to identify alternative examinations for the grade 10 FCAT for certain students with limited English proficiency (LEP). The Commissioner of Education is required to approve the alternative examinations, which will allow certain LEP students to satisfy the assessment requirement for high school graduation by taking a test in their native language.

The bill sets an effective date of July 1, 2005.

#### Substantive Impacts:

House bill 91 requires the Commissioner of Education to approve the use of alternative tests for certain LEP students in major non-English speaking subgroups if they have been involved in an ESOL program for fewer than 3 years and not have passed the grade 10 FCAT by the end of grade 12. The bill will allow students to earn a standard Florida high school diploma by passing a test in their native language.

**Fiscal Impact:** This bill could have a significant fiscal impact on state expenditures. It is not clear how tests will be made available to students or who would bear the cost of test administration.

**Comments:** Section 1008.301, Florida Statutes, 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.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Promote personal responsibility** – The bill could decrease personal responsibility for learning English by allowing certain Florida students to earn a standard high school diploma by passing an assessment in their native language.

#### B. EFFECT OF PROPOSED CHANGES:

Current law allows the use of SAT and ACT tests as alternative assessments to the grade 10 FCAT for the 2003-2004 school year. The scores must equate to the passing score on the grade 10 FCAT. Students must take the grade 10 FCAT a total of three times without earning a passing score in order to use the alternative test results; this requirement does not apply to a student who is a new student to the public school system in grade 12. House bill 91 would require a concordance study to identify existing tests in major non-English speaking subgroups, and establish passing scores equivalent to the grade 10 FCAT. Those non-English speaking students who have been enrolled in an ESOL program for fewer than 3 years and have not passed grade 10 FCAT could use the scores obtained on the alternative tests to qualify for a standard high school diploma.

#### C. SECTION DIRECTORY:

**Section 1:** Amends s. 1008.22, F.S., to add alternative assessments in native languages.

**Section 2:** 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:

This bill does not appear to have a fiscal impact on local government expenditures.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

House bill 91 could have a significant impact on state expenditures. The bill does not specify how tests must be made available to students, nor does it address who will bear the cost of test administration. Thus the fiscal impact is indeterminate.

**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 take any action requiring the expenditures of funds.

2. Other:

Allowing an alternative exam for "major" non-English speaking subgroups could present an equal protection problem under the Constitution for students in other non-English speaking subgroups.

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

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