

A bill to be entitled

An act relating to the statewide assessment program for public schools; amending s. 1008.22, F.S.; revising provisions relating to the design and implementation of the FCAT; deleting obsolete language relating to students taking the grade 10 FCAT; authorizing the State Board of Education to adopt rules specifying grade 10 FCAT passing scores; revising provisions relating to test accommodations for students in exceptional education programs and students who have limited English proficiency; authorizing certain accommodations if included in a student's individual education plan and access to a waiver of grade 10 FCAT requirements for high school graduation; requiring rulemaking; requiring universal design principles and accessibility standards or web-based assessments that will prevent unintended obstacles for students with disabilities; providing field testing and analysis requirements; amending s. 1003.43, F.S., relating to general requirements for high school graduation; requiring rules for FCAT waiver application procedures; providing an effective date.

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

Section 1. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.--

HB 785

2006

28 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
29 design and implement a statewide program of educational
30 assessment that provides information for the improvement of the
31 operation and management of the public schools, including
32 schools operating for the purpose of providing educational
33 services to youth in Department of Juvenile Justice programs.
34 The commissioner may enter into contracts for the continued
35 administration of the assessment, testing, and evaluation
36 programs authorized and funded by the Legislature. Contracts may
37 be initiated in 1 fiscal year and continue into the next and may
38 be paid from the appropriations of either or both fiscal years.
39 The commissioner is authorized to negotiate for the sale or
40 lease of tests, scoring protocols, test scoring services, and
41 related materials developed pursuant to law. Pursuant to the
42 statewide assessment program, the commissioner shall:

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

50 1. The tests measure student skills and competencies
51 adopted by the State Board of Education as specified in
52 paragraph (a). The tests must measure and report ~~student~~
53 proficiency levels of all students in reading, writing,
54 mathematics, and science. The commissioner shall provide for the
55 tests to be developed or obtained, as appropriate, through

56 contracts and project agreements with private vendors, public
57 vendors, public agencies, postsecondary educational
58 institutions, or school districts. The commissioner shall obtain
59 input with respect to the design and implementation of the
60 testing program from regular and exceptional student state
61 educators, assistive technology experts, and the public.

62 2. The testing program will include a combination of norm-
63 referenced and criterion-referenced tests and include, to the
64 extent determined by the commissioner, questions that require
65 the student to produce information or perform tasks in such a
66 way that the skills and competencies he or she uses can be
67 measured.

68 3. Each testing program, whether at the elementary,
69 middle, or high school level, includes a test of writing in
70 which students are required to produce writings that are then
71 scored by appropriate and timely methods.

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

76 5. Except as provided in s. 1003.43(11)(b), students must
77 earn a passing score on the grade 10 assessment test described
78 in this paragraph or on an alternate assessment as described in
79 subsection (9) in reading, writing, and mathematics to qualify
80 for a standard ~~regular~~ high school diploma. The State Board of
81 Education shall designate a passing score for each part of the
82 grade 10 assessment test. In establishing passing scores, the
83 state board shall consider any possible negative impact of the

HB 785

2006

84 test on minority students. All students who take ~~took~~ the grade
85 10 FCAT ~~during the 2000-2001 school year~~ shall be required to
86 earn the passing scores in reading and mathematics established
87 by the State Board of Education ~~for the March 2001 test~~
88 ~~administration~~. ~~Such~~ Students who do ~~did~~ not earn the
89 established passing scores ~~and~~ must repeat the grade 10 FCAT ~~are~~
90 ~~required~~ to earn such ~~the~~ passing scores ~~established for the~~
91 ~~March 2001 test administration~~. ~~All students who take the grade~~
92 ~~10 FCAT for the first time in March 2002 shall be required to~~
93 ~~earn the passing scores in reading and mathematics established~~
94 ~~by the State Board of Education for the March 2002 test~~
95 ~~administration~~. The State Board of Education may ~~shall~~ adopt
96 rules which specify the passing scores for the grade 10 FCAT.
97 Any such rules, which have the effect of raising the required
98 passing scores, shall only apply to students taking the grade 10
99 FCAT for the first time after such rules are adopted by the
100 State Board of Education.

101 6. Participation in the testing program is mandatory for
102 all students attending public school, including students served
103 in Department of Juvenile Justice programs, except as otherwise
104 prescribed by the commissioner. If a student does not
105 participate in the statewide assessment, the district must
106 notify the student's parent and provide the parent with
107 information regarding the implications of such nonparticipation.
108 ~~If modifications are made in the student's instruction to~~
109 ~~provide accommodations that would not be permitted on the~~
110 ~~statewide assessment tests, the district must notify the~~
111 ~~student's parent of the implications of such instructional~~

HB 785

2006

112 ~~modifications.~~ A parent must provide signed consent for a
113 student to receive accommodations in the classroom ~~instructional~~
114 ~~modifications~~ that would not be permitted on the statewide
115 assessments and must acknowledge in writing that he or she
116 understands the implications of such accommodations. ~~The State~~
117 ~~Board of Education shall adopt rules, based upon recommendations~~
118 ~~of the commissioner, for the provision of test accommodations~~
119 ~~and modifications of procedures as necessary for students in~~
120 ~~exceptional education programs and for students who have limited~~
121 ~~English proficiency.~~ Accommodations in the classroom that negate
122 the validity of a statewide assessment are not allowable in the
123 administration of the FCAT but are allowable if included in a
124 student's individual education plan (IEP). Students using an
125 FCAT nonallowable accommodation in the classroom may have access
126 to the FCAT waiver pursuant to s. 1003.43(11)(b). The State
127 Board of Education shall adopt rules, based upon recommendations
128 of the commissioner, for the provision of test accommodations
129 and waiver application procedures as necessary for students in
130 exceptional education programs and students who have limited
131 English proficiency.

132 7. A student seeking an adult high school diploma must
133 meet the same testing requirements that a regular high school
134 student must meet.

135 8. District school boards must provide instruction to
136 prepare students to demonstrate proficiency in the skills and
137 competencies necessary for successful grade-to-grade progression
138 and high school graduation. If a student is provided with
139 accommodations ~~or modifications~~ that are not allowable in the

140 statewide assessment program, as described in the test manuals,
 141 the district must inform the parent in writing and must provide
 142 the parent with information regarding the impact on the
 143 student's ability to meet expected proficiency levels in
 144 reading, writing, and math. The commissioner shall conduct
 145 studies as necessary to verify that the required skills and
 146 competencies are part of the district instructional programs.

147 9. The Department of Education must develop, or select,
 148 and implement a common battery of assessment tools that will be
 149 used in all juvenile justice programs in the state. These tools
 150 must accurately measure the skills and competencies established
 151 in the Florida Sunshine State Standards.

152
 153 The commissioner may design and implement student testing
 154 programs, for any grade level and subject area, necessary to
 155 effectively measure educational achievement of the Sunshine
 156 State Standards ~~monitor educational achievement in the state.~~
 157 Development and refinement shall include universal design
 158 principles and accessibility standards or web-based assessments
 159 that will prevent any unintended obstacles for students with
 160 disabilities. The field testing process and psychometric
 161 analyses for the statewide assessment program formats must
 162 include an appropriate percentage of students with disabilities
 163 and an evaluation or determination of the impact of test items
 164 on such students.

165 Section 2. Subsection (8) of section 1003.43, Florida
 166 Statutes, is amended to read:

167 1003.43 General requirements for high school graduation.--

HB 785

2006

168 (8) The State Board of Education, after a public hearing
169 and consideration, shall adopt rules based upon the
170 recommendations of the commissioner for the provision of test
171 accommodations, FCAT waiver application procedures pursuant to
172 paragraph (11)(b), and changes to ~~modifications of~~ procedures as
173 necessary for students with disabilities which will demonstrate
174 the student's abilities rather than reflect the student's
175 impaired sensory, manual, speaking, or psychological process
176 skills.

177 Section 3. This act shall take effect July 1, 2006.