

By Senator Wilson

33-561-07

1 A bill to be entitled

2 An act relating to the design and

3 implementation of the Florida Comprehensive

4 Assessment Test; amending s. 1008.22, F.S.;

5 requiring the Commissioner of Education to

6 obtain input concerning design and

7 implementation of the Florida Comprehensive

8 Assessment Test from persons recommended by the

9 Florida School for the Deaf and the Blind and

10 the Americans with Disabilities Working Group;

11 providing an effective date.

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

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15 Section 1. Paragraph (c) of subsection (3) of section

16 1008.22, Florida Statutes, is amended to read:

17 1008.22 Student assessment program for public

18 schools.--

19 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner

20 shall design and implement a statewide program of educational

21 assessment that provides information for the improvement of

22 the operation and management of the public schools, including

23 schools operating for the purpose of providing educational

24 services to youth in Department of Juvenile Justice programs.

25 The commissioner may enter into contracts for the continued

26 administration of the assessment, testing, and evaluation

27 programs authorized and funded by the Legislature. Contracts

28 may be initiated in 1 fiscal year and continue into the next

29 and may be paid from the appropriations of either or both

30 fiscal years. The commissioner is authorized to negotiate for

31 the sale or lease of tests, scoring protocols, test scoring

1 services, and related materials developed pursuant to law.
2 Pursuant to the statewide assessment program, the commissioner
3 shall:

4 (c) Develop and implement a student achievement
5 testing program known as the Florida Comprehensive Assessment
6 Test (FCAT) as part of the statewide assessment program to
7 measure reading, writing, science, and mathematics. Other
8 content areas may be included as directed by the commissioner.
9 The assessment of reading and mathematics shall be
10 administered annually in grades 3 through 10. The assessment
11 of writing and science shall be administered at least once at
12 the elementary, middle, and high school levels. The
13 commissioner must document the procedures used to ensure that
14 the versions of the FCAT which are taken by students retaking
15 the grade 10 FCAT are equally as challenging and difficult as
16 the tests taken by students in grade 10 which contain
17 performance tasks. The testing program must be designed so
18 that:

19 1. The tests measure student skills and competencies
20 adopted by the State Board of Education as specified in
21 paragraph (a). The tests must measure and report student
22 proficiency levels of all students assessed in reading,
23 writing, mathematics, and science. The commissioner shall
24 provide for the tests to be developed or obtained, as
25 appropriate, through contracts and project agreements with
26 private vendors, public vendors, public agencies,
27 postsecondary educational institutions, or school districts.
28 The commissioner shall obtain input with respect to the design
29 and implementation of the testing program from state
30 educators, assistive technology experts, and the public. This
31 must include, at a minimum, annual input from two persons

1 recommended by the Florida School for the Deaf and the Blind
2 and two persons recommended by the Americans with Disabilities
3 Working Group created by Executive Order 01-161.

4 2. The testing program will include a combination of
5 norm-referenced and criterion-referenced tests and include, to
6 the extent determined by the commissioner, questions that
7 require the student to produce information or perform tasks in
8 such a way that the skills and competencies he or she uses can
9 be measured.

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

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

18 5. Except as provided in s. 1003.428(8)(b) or s.
19 1003.43(11)(b), students must earn a passing score on the
20 grade 10 assessment test described in this paragraph or attain
21 concordant scores as described in subsection (9) in reading,
22 writing, and mathematics to qualify for a standard high school
23 diploma. The State Board of Education shall designate a
24 passing score for each part of the grade 10 assessment test.
25 In establishing passing scores, the state board shall consider
26 any possible negative impact of the test on minority students.
27 The State Board of Education shall adopt rules which specify
28 the passing scores for the grade 10 FCAT. Any such rules,
29 which have the effect of raising the required passing scores,
30 shall only apply to students taking the grade 10 FCAT for the
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1 first time after such rules are adopted by the State Board of
2 Education.

3 6. Participation in the testing program is mandatory
4 for all students attending public school, including students
5 served in Department of Juvenile Justice programs, except as
6 otherwise prescribed by the commissioner. If a student does
7 not participate in the statewide assessment, the district must
8 notify the student's parent and provide the parent with
9 information regarding the implications of such
10 nonparticipation. A parent must provide signed consent for a
11 student to receive classroom instructional accommodations that
12 would not be available or permitted on the statewide
13 assessments and must acknowledge in writing that he or she
14 understands the implications of such instructional
15 accommodations. The State Board of Education shall adopt
16 rules, based upon recommendations of the commissioner, for the
17 provision of test accommodations for students in exceptional
18 education programs and for students who have limited English
19 proficiency. Accommodations that negate the validity of a
20 statewide assessment are not allowable in the administration
21 of the FCAT. However, instructional accommodations are
22 allowable in the classroom if included in a student's
23 individual education plan. Students using instructional
24 accommodations in the classroom that are not allowable as
25 accommodations on the FCAT may have the FCAT requirement
26 waived pursuant to the requirements of s. 1003.428(8)(b) or s.
27 1003.43(11)(b).

28 7. A student seeking an adult high school diploma must
29 meet the same testing requirements that a regular high school
30 student must meet.

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1 8. District school boards must provide instruction to
2 prepare students to demonstrate proficiency in the skills and
3 competencies necessary for successful grade-to-grade
4 progression and high school graduation. If a student is
5 provided with instructional accommodations in the classroom
6 that are not allowable as accommodations in the statewide
7 assessment program, as described in the test manuals, the
8 district must inform the parent in writing and must provide
9 the parent with information regarding the impact on the
10 student's ability to meet expected proficiency levels in
11 reading, writing, and math. The commissioner shall conduct
12 studies as necessary to verify that the required skills and
13 competencies are part of the district instructional programs.

14 9. District school boards must provide opportunities
15 for students to demonstrate an acceptable level of performance
16 on an alternative standardized assessment approved by the
17 State Board of Education following enrollment in summer
18 academies.

19 10. The Department of Education must develop, or
20 select, and implement a common battery of assessment tools
21 that will be used in all juvenile justice programs in the
22 state. These tools must accurately measure the skills and
23 competencies established in the Sunshine State Standards.

24 11. For students seeking a special diploma pursuant to
25 s. 1003.438, the Department of Education must develop or
26 select and implement an alternate assessment tool that
27 accurately measures the skills and competencies established in
28 the Sunshine State Standards for students with disabilities
29 under s. 1003.438.

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1 The commissioner may, based on collaboration and input from
2 school districts, design and implement student testing
3 programs, for any grade level and subject area, necessary to
4 effectively monitor educational achievement in the state,
5 including the measurement of educational achievement of the
6 Sunshine State Standards for students with disabilities.
7 Development and refinement of assessments shall include
8 universal design principles and accessibility standards that
9 will prevent any unintended obstacles for students with
10 disabilities while ensuring the validity and reliability of
11 the test. These principles should be applicable to all
12 technology platforms and assistive devices available for the
13 assessments. The field testing process and psychometric
14 analyses for the statewide assessment program must include an
15 appropriate percentage of students with disabilities and an
16 evaluation or determination of the effect of test items on
17 such students.

18 Section 2. This act shall take effect July 1, 2007.

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21 SENATE SUMMARY

22 Requires the Commissioner of Education to obtain input
23 from persons recommended by the Florida School for the
24 Deaf and the Blind and the Americans with Disabilities
25 Working Group concerning the design and implementation of
26 the Florida Comprehensive Assessment Test.
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