

1 A bill to be entitled
 2 An act relating to the student assessment program for
 3 public schools; amending s. 1008.22, F.S.; providing
 4 requirements with respect to student preparation for and
 5 administration of the Florida Comprehensive Assessment
 6 Test (FCAT); providing an effective date.

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

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 10 Section 1. Paragraph (c) of subsection (3) of section
 11 1008.22, Florida Statutes, is amended to read:

12 1008.22 Student assessment program for public schools.--

13 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 14 design and implement a statewide program of educational
 15 assessment that provides information for the improvement of the
 16 operation and management of the public schools, including
 17 schools operating for the purpose of providing educational
 18 services to youth in Department of Juvenile Justice programs.
 19 The commissioner may enter into contracts for the continued
 20 administration of the assessment, testing, and evaluation
 21 programs authorized and funded by the Legislature. Contracts may
 22 be initiated in 1 fiscal year and continue into the next and may
 23 be paid from the appropriations of either or both fiscal years.
 24 The commissioner is authorized to negotiate for the sale or
 25 lease of tests, scoring protocols, test scoring services, and
 26 related materials developed pursuant to law. Pursuant to the
 27 statewide assessment program, the commissioner shall:

28 (c) Develop and implement a student achievement testing
29 program known as the Florida Comprehensive Assessment Test
30 (FCAT) as part of the statewide assessment program to measure
31 reading, writing, science, and mathematics. Other content areas
32 may be included as directed by the commissioner. The assessment
33 of reading and mathematics shall be administered annually in
34 grades 3 through 10. The assessment of writing and science shall
35 be administered at least once at the elementary, middle, and
36 high school levels. The commissioner must document the
37 procedures used to ensure that the versions of the FCAT which
38 are taken by students retaking the grade 10 FCAT are equally as
39 challenging and difficult as the tests taken by students in
40 grade 10 which contain performance tasks. The testing program
41 must be designed so that:

42 1. The tests measure student skills and competencies
43 adopted by the State Board of Education as specified in
44 paragraph (a). The tests must measure and report student
45 proficiency levels of all students assessed in reading, writing,
46 mathematics, and science. The commissioner shall provide for the
47 tests to be developed or obtained, as appropriate, through
48 contracts and project agreements with private vendors, public
49 vendors, public agencies, postsecondary educational
50 institutions, or school districts. The commissioner shall obtain
51 input with respect to the design and implementation of the
52 testing program from state educators, assistive technology
53 experts, and the public.

54 2. The testing program will include a combination of norm-
55 referenced and criterion-referenced tests and include, to the

56 extent determined by the commissioner, questions that require
57 the student to produce information or perform tasks in such a
58 way that the skills and competencies he or she uses can be
59 measured.

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

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

68 5. Except as provided in s. 1003.428(8)(b) or s.
69 1003.43(11)(b), students must earn a passing score on the grade
70 10 assessment test described in this paragraph or attain
71 concordant scores as described in subsection (9) in reading,
72 writing, and mathematics to qualify for a standard high school
73 diploma. The State Board of Education shall designate a passing
74 score for each part of the grade 10 assessment test. In
75 establishing passing scores, the state board shall consider any
76 possible negative impact of the test on minority students. The
77 State Board of Education shall adopt rules which specify the
78 passing scores for the grade 10 FCAT. Any such rules, which have
79 the effect of raising the required passing scores, shall only
80 apply to students taking the grade 10 FCAT for the first time
81 after such rules are adopted by the State Board of Education.

82 6. Participation in the testing program is mandatory for
83 all students attending public school, including students served

84 in Department of Juvenile Justice programs, except as otherwise
85 prescribed by the commissioner. If a student does not
86 participate in the statewide assessment, the district must
87 notify the student's parent and provide the parent with
88 information regarding the implications of such nonparticipation.
89 A parent must provide signed consent for a student to receive
90 classroom instructional accommodations that would not be
91 available or permitted on the statewide assessments and must
92 acknowledge in writing that he or she understands the
93 implications of such instructional accommodations. The State
94 Board of Education shall adopt rules, based upon recommendations
95 of the commissioner, for the provision of test accommodations
96 for students in exceptional education programs and for students
97 who have limited English proficiency. Accommodations that negate
98 the validity of a statewide assessment are not allowable in the
99 administration of the FCAT. However, instructional
100 accommodations are allowable in the classroom if included in a
101 student's individual education plan. Students using
102 instructional accommodations in the classroom that are not
103 allowable as accommodations on the FCAT may have the FCAT
104 requirement waived pursuant to the requirements of s.
105 1003.428(8)(b) or s. 1003.43(11)(b).

106 7. A student seeking an adult high school diploma must
107 meet the same testing requirements that a regular high school
108 student must meet.

109 8. District school boards must provide instruction to
110 prepare students to demonstrate proficiency in the skills and
111 competencies necessary for successful grade-to-grade progression

112 and high school graduation. If a student is provided with
113 instructional accommodations in the classroom that are not
114 allowable as accommodations in the statewide assessment program,
115 as described in the test manuals, the district must inform the
116 parent in writing and must provide the parent with information
117 regarding the impact on the student's ability to meet expected
118 proficiency levels in reading, writing, and math. The
119 commissioner shall conduct studies as necessary to verify that
120 the required skills and competencies are part of the district
121 instructional programs.

122 9. District school boards must provide opportunities for
123 students to demonstrate an acceptable level of performance on an
124 alternative standardized assessment approved by the State Board
125 of Education following enrollment in summer academies.

126 10. The Department of Education must develop, or select,
127 and implement a common battery of assessment tools that will be
128 used in all juvenile justice programs in the state. These tools
129 must accurately measure the skills and competencies established
130 in the Sunshine State Standards.

131 11. For students seeking a special diploma pursuant to s.
132 1003.438, the Department of Education must develop or select and
133 implement an alternate assessment tool that accurately measures
134 the skills and competencies established in the Sunshine State
135 Standards for students with disabilities under s. 1003.438.

136 12. Student preparation for the FCAT and administration of
137 the FCAT does not interfere with the traditional observance in
138 schools of Black History Month.

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140 The commissioner may, based on collaboration and input from
141 school districts, design and implement student testing programs,
142 for any grade level and subject area, necessary to effectively
143 monitor educational achievement in the state, including the
144 measurement of educational achievement of the Sunshine State
145 Standards for students with disabilities. Development and
146 refinement of assessments shall include universal design
147 principles and accessibility standards that will prevent any
148 unintended obstacles for students with disabilities while
149 ensuring the validity and reliability of the test. These
150 principles should be applicable to all technology platforms and
151 assistive devices available for the assessments. The field
152 testing process and psychometric analyses for the statewide
153 assessment program must include an appropriate percentage of
154 students with disabilities and an evaluation or determination of
155 the effect of test items on such students.

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