

By Senator Wilson

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1 A bill to be entitled

2 An act relating to the statewide educational assessment
3 program; amending s. 1008.22, F.S.; requiring that the
4 Commissioner of Education receive input as to the
5 statewide educational assessment program from a minimum of
6 two persons recommended by the Florida School for the Deaf
7 and the Blind and from a minimum of two persons
8 recommended by the Americans with Disabilities Working
9 Group; providing an effective date.

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

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13 Section 1. Paragraph (c) of subsection (3) of section
14 1008.22, Florida Statutes, is amended to read:

15 1008.22 Student assessment program for public schools.--

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

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30 assessment program, the commissioner shall:

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

45 1. The tests measure student skills and competencies
46 adopted by the State Board of Education as specified in paragraph
47 (a). The tests must measure and report student proficiency levels
48 of all students assessed in reading, writing, mathematics, and
49 science. The commissioner shall provide for the tests to be
50 developed or obtained, as appropriate, through contracts and
51 project agreements with private vendors, public vendors, public
52 agencies, postsecondary educational institutions, or school
53 districts. The commissioner shall obtain input with respect to
54 the design and implementation of the testing program from state
55 educators, assistive technology experts, and the public. This
56 must include, at a minimum, annual input from two persons
57 recommended by the Florida School for the Deaf and the Blind and
58 two persons recommended by the Americans with Disabilities

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59 Working Group created by Executive Order 01-161.

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

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

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

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

87 6. Participation in the testing program is mandatory for

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

110 7. A student seeking an adult high school diploma must meet
111 the same testing requirements that a regular high school student
112 must meet.

113 8. District school boards must provide instruction to
114 prepare students to demonstrate proficiency in the skills and
115 competencies necessary for successful grade-to-grade progression
116 and high school graduation. If a student is provided with

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117 | instructional accommodations in the classroom that are not
118 | allowable as accommodations in the statewide assessment program,
119 | as described in the test manuals, the district must inform the
120 | parent in writing and must provide the parent with information
121 | regarding the impact on the student's ability to meet expected
122 | proficiency levels in reading, writing, and math. The
123 | commissioner shall conduct studies as necessary to verify that
124 | the required skills and competencies are part of the district
125 | instructional programs.

126 | 9. District school boards must provide opportunities for
127 | students to demonstrate an acceptable level of performance on an
128 | alternative standardized assessment approved by the State Board
129 | of Education following enrollment in summer academies.

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

135 | 11. For students seeking a special diploma pursuant to s.
136 | 1003.438, the Department of Education must develop or select and
137 | implement an alternate assessment tool that accurately measures
138 | the skills and competencies established in the Sunshine State
139 | Standards for students with disabilities under s. 1003.438.

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141 | The commissioner may, based on collaboration and input from
142 | school districts, design and implement student testing programs,
143 | for any grade level and subject area, necessary to effectively
144 | monitor educational achievement in the state, including the
145 | measurement of educational achievement of the Sunshine State

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146 Standards for students with disabilities. Development and
147 refinement of assessments shall include universal design
148 principles and accessibility standards that will prevent any
149 unintended obstacles for students with disabilities while
150 ensuring the validity and reliability of the test. These
151 principles should be applicable to all technology platforms and
152 assistive devices available for the assessments. The field
153 testing process and psychometric analyses for the statewide
154 assessment program must include an appropriate percentage of
155 students with disabilities and an evaluation or determination of
156 the effect of test items on such students.

157 Section 2. This act shall take effect July 1, 2008.