

By Senator Siplin

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1 A bill to be entitled

2 An act relating to student assessment; amending s.
3 1008.22, F.S.; requiring the student assessment program to
4 provide alternative instructional strategies, delivery
5 methods, and resources to assist those students who are
6 not promoted to rapidly attain grade level; requiring that
7 the testing program be designed so that school districts
8 provide immediate and appropriate instructional
9 strategies, delivery methods, and resources to students
10 who score below grade level so that the student may attain
11 his or her grade level as soon as possible; providing an
12 effective date.

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

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16 Section 1. Paragraph (c) of subsection (1), paragraph (c)
17 of subsection (3), and subsection (5) of section 1008.22, Florida
18 Statutes, are amended to read:

19 1008.22 Student assessment program for public schools.--

20 (1) PURPOSE.--The primary purposes of the student
21 assessment program are to provide information needed to improve
22 the public schools by enhancing the learning gains of all
23 students and to inform parents of the educational progress of
24 their public school children. The program must be designed to:

25 (c) Identify the educational strengths and needs of
26 students and the readiness of students to be promoted to the next
27 grade level or to graduate from high school with a standard or
28 special high school diploma and to provide alternative
29 instructional strategies, delivery methods, and resources,

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30 sufficient to allow those who are struggling academically or who
31 are not promoted to rapidly attain grade level.

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

47 (c) Develop and implement a student achievement testing
48 program known as the Florida Comprehensive Assessment Test (FCAT)
49 as part of the statewide assessment program to measure reading,
50 writing, science, and mathematics. Other content areas may be
51 included as directed by the commissioner. The assessment of
52 reading and mathematics shall be administered annually in grades
53 3 through 10. The assessment of writing and science shall be
54 administered at least once at the elementary, middle, and high
55 school levels. The commissioner must document the procedures used
56 to ensure that the versions of the FCAT which are taken by
57 students retaking the grade 10 FCAT are equally as challenging
58 and difficult as the tests taken by students in grade 10 which

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59 contain performance tasks. The testing program must be designed
60 so that:

61 1. The tests measure student skills and competencies
62 adopted by the State Board of Education as specified in paragraph
63 (a). The tests must measure and report student proficiency levels
64 of all students assessed in reading, writing, mathematics, and
65 science. The commissioner shall provide for the tests to be
66 developed or obtained, as appropriate, through contracts and
67 project agreements with private vendors, public vendors, public
68 agencies, postsecondary educational institutions, or school
69 districts. The commissioner shall obtain input with respect to
70 the design and implementation of the testing program from state
71 educators, assistive technology experts, and the public.

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

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

81 4. A score is designated for each subject area tested,
82 below which score a student's performance is deemed inadequate.
83 The school districts shall provide immediate and appropriate
84 instructional strategies, delivery methods, and resources
85 ~~remedial instruction~~ to students who score below these levels so
86 that the student may attain his or her grade level as soon as
87 possible.

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88 5. Except as provided in s. 1003.428(8)(b) or s.
89 1003.43(11)(b), students must earn a passing score on the grade
90 10 assessment test described in this paragraph or attain
91 concordant scores as described in subsection (9) in reading,
92 writing, and mathematics to qualify for a standard high school
93 diploma. The State Board of Education shall designate a passing
94 score for each part of the grade 10 assessment test. In
95 establishing passing scores, the state board shall consider any
96 possible negative impact of the test on minority students and
97 provide the immediate and appropriate alternative instructional
98 strategies, delivery methods, and resources to students who score
99 below these levels so that the student may attain his or her
100 grade level as soon as possible. The State Board of Education
101 shall adopt rules which specify the passing scores for the grade
102 10 FCAT. Any such rules, which have the effect of raising the
103 required passing scores, shall only apply to students taking the
104 grade 10 FCAT for the first time after such rules are adopted by
105 the State Board of Education.

106 6. Participation in the testing program is mandatory for
107 all students attending public school, including students served
108 in Department of Juvenile Justice programs, except as otherwise
109 prescribed by the commissioner. If a student does not participate
110 in the statewide assessment, the district must notify the
111 student's parent and provide the parent with information
112 regarding the implications of such nonparticipation. A parent
113 must provide signed consent for a student to receive classroom
114 instructional accommodations that would not be available or
115 permitted on the statewide assessments and must acknowledge in
116 writing that he or she understands the implications of such

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117 | instructional accommodations. The State Board of Education shall
118 | adopt rules, based upon recommendations of the commissioner, for
119 | the provision of test accommodations for students in exceptional
120 | education programs and for students who have limited English
121 | proficiency. Accommodations that negate the validity of a
122 | statewide assessment are not allowable in the administration of
123 | the FCAT. However, instructional accommodations are allowable in
124 | the classroom if included in a student's individual education
125 | plan. Students using instructional accommodations in the
126 | classroom that are not allowable as accommodations on the FCAT
127 | may have the FCAT requirement waived pursuant to the requirements
128 | of s. 1003.428(8)(b) or s. 1003.43(11)(b).

129 | 7. A student seeking an adult high school diploma must meet
130 | the same testing requirements that a regular high school student
131 | must meet.

132 | 8. District school boards must provide instruction to
133 | prepare students to demonstrate proficiency in the skills and
134 | competencies necessary for successful grade-to-grade progression
135 | and high school graduation. If a student is provided with
136 | instructional accommodations in the classroom that are not
137 | allowable as accommodations in the statewide assessment program,
138 | as described in the test manuals, the district must inform the
139 | parent in writing and must provide the parent with information
140 | regarding the impact on the student's ability to meet expected
141 | proficiency levels in reading, writing, and math. The
142 | commissioner shall conduct studies as necessary to verify that
143 | the required skills and competencies are part of the district
144 | instructional programs.

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

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

154 11. For students seeking a special diploma pursuant to s.
155 1003.438, the Department of Education must develop or select and
156 implement an alternate assessment tool that accurately measures
157 the skills and competencies established in the Sunshine State
158 Standards for students with disabilities under s. 1003.438.

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160 The commissioner may, based on collaboration and input from
161 school districts, design and implement student testing programs,
162 for any grade level and subject area, necessary to effectively
163 monitor educational achievement in the state, including the
164 measurement of educational achievement of the Sunshine State
165 Standards for students with disabilities. Development and
166 refinement of assessments shall include universal design
167 principles and accessibility standards that will prevent any
168 unintended obstacles for students with disabilities while
169 ensuring the validity and reliability of the test. These
170 principles should be applicable to all technology platforms and
171 assistive devices available for the assessments. The field
172 testing process and psychometric analyses for the statewide
173 assessment program must include an appropriate percentage of

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174 students with disabilities and an evaluation or determination of
175 the effect of test items on such students.

176 (5) SCHOOL TESTING PROGRAMS.--Each public school shall
177 participate in the statewide assessment program, unless
178 specifically exempted by state board rule based on serving a
179 specialized population for which standardized testing is not
180 appropriate. Student performance data shall be analyzed and
181 reported to parents, the community, and the state. Student
182 performance data shall be used in developing objectives of the
183 school improvement plan, evaluation of instructional personnel,
184 evaluation of administrative personnel, assignment of staff,
185 allocation of resources, acquisition of instructional materials
186 and technology, performance-based budgeting, reallocation of
187 resources to promote alternative instructional strategies and
188 delivery methods to eliminate substandard student performance,
189 and promotion and assignment of students into educational
190 programs. The analysis of student performance data also must
191 identify strengths and needs in the educational program and
192 trends over time. The analysis must be used in conjunction with
193 the budgetary planning processes developed pursuant to s.
194 1008.385 and the development of the programs of remediation.

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