

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Richardson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 313-1070 and insert:

5 Section 7. Paragraph (a) of subsection (8) of section  
6 1003.428, Florida Statutes, is amended to read:

7 1003.428 General requirements for high school graduation;  
8 revised.--

9 (8) (a) Each district school board must provide instruction  
10 to prepare students with disabilities to demonstrate proficiency  
11 in the core content knowledge and skills ~~and competencies~~  
12 necessary for successful grade-to-grade progression and high  
13 school graduation.

14 Section 8. Paragraph (a) of subsection (11) of section  
15 1003.43, Florida Statutes, is amended to read:

16 1003.43 General requirements for high school graduation.--

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17 (11) (a) Each district school board must provide  
18 instruction to prepare students with disabilities to demonstrate  
19 proficiency in the core content knowledge and skills and  
20 ~~competencies~~ necessary for successful grade-to-grade progression  
21 and high school graduation.

22 Section 9. Paragraph (d) of subsection (6) of section  
23 1003.63, Florida Statutes, is amended to read:

24 1003.63 Deregulated public schools pilot program.--

25 (6) ELEMENTS OF THE PROPOSAL.--The major issues involving  
26 the operation of a deregulated public school shall be considered  
27 in advance and written into the proposal.

28 (d) Upon receipt of the annual report required by  
29 paragraph (b), the Department of Education shall provide the  
30 State Board of Education, the Commissioner of Education, the  
31 President of the Senate, and the Speaker of the House of  
32 Representatives with a copy of each report and an analysis and  
33 comparison of the overall performance of students, to include  
34 all students in deregulated public schools whose scores are  
35 counted as part of the statewide assessment tests, versus  
36 comparable public school students in the district as determined  
37 by statewide assessments administered under s. 1008.22(3) FCAT  
38 ~~and district assessment tests and, as appropriate, the Florida~~  
39 ~~Writes Assessment Test, and other assessments administered~~  
40 ~~pursuant to s. 1008.22(3).~~

41 Section 10. Paragraph (b) of subsection (1) of section  
42 1006.28, Florida Statutes, is amended to read:

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43 1006.28 Duties of district school board, district school  
44 superintendent; and school principal regarding K-12  
45 instructional materials.--

46 (1) DISTRICT SCHOOL BOARD.--The district school board has  
47 the duty to provide adequate instructional materials for all  
48 students in accordance with the requirements of this part. The  
49 term "adequate instructional materials" means a sufficient  
50 number of textbooks or sets of materials serving as the basis  
51 for instruction for each student in the core courses of  
52 mathematics, language arts, social studies, science, reading,  
53 and literature, except for instruction for which the school  
54 advisory council approves the use of a program that does not  
55 include a textbook as a major tool of instruction. The district  
56 school board has the following specific duties:

57 (b) Textbooks.--Provide for proper requisitioning,  
58 distribution, accounting, storage, care, and use of all  
59 instructional materials furnished by the state and furnish such  
60 other instructional materials as may be needed. The district  
61 school board shall assure that instructional materials used in  
62 the district are consistent with the district goals and  
63 objectives and the curriculum frameworks adopted by rule of the  
64 State Board of Education, as well as with the state and district  
65 curricular performance standards provided for in s. 1001.03(1).

66 Section 11. Subsection (4) of section 1006.31, Florida  
67 Statutes, is amended to read:

68 1006.31 Duties of each state instructional materials  
69 committee.--The duties of each state instructional materials  
70 committee are:

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71 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To evaluate  
72 carefully all instructional materials submitted, to ascertain  
73 which instructional materials, if any, submitted for  
74 consideration best implement the selection criteria developed by  
75 the commissioner and those curricular objectives included within  
76 applicable curricular ~~performance~~ standards provided for in s.  
77 1001.03(1).

78 (a) When recommending instructional materials for use in  
79 the schools, each committee shall include only instructional  
80 materials that accurately portray the ethnic, socioeconomic,  
81 cultural, and racial diversity of our society, including men and  
82 women in professional, career, and executive roles, and the role  
83 and contributions of the entrepreneur and labor in the total  
84 development of this state and the United States.

85 (b) When recommending instructional materials for use in  
86 the schools, each committee shall include only materials which  
87 accurately portray, whenever appropriate, humankind's place in  
88 ecological systems, including the necessity for the protection  
89 of our environment and conservation of our natural resources and  
90 the effects on the human system of the use of tobacco, alcohol,  
91 controlled substances, and other dangerous substances.

92 (c) When recommending instructional materials for use in  
93 the schools, each committee shall require such materials as it  
94 deems necessary and proper to encourage thrift, fire prevention,  
95 and humane treatment of people and animals.

96 (d) When recommending instructional materials for use in  
97 the schools, each committee shall require, when appropriate to  
98 the comprehension of students, that materials for social

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99 science, history, or civics classes contain the Declaration of  
100 Independence and the Constitution of the United States. No  
101 instructional materials shall be recommended by any committee  
102 for use in the schools which contain any matter reflecting  
103 unfairly upon persons because of their race, color, creed,  
104 national origin, ancestry, gender, or occupation.

105 (e) All instructional materials recommended by each  
106 committee for use in the schools shall be, to the satisfaction  
107 of each committee, accurate, objective, and current and suited  
108 to the needs and comprehension of students at their respective  
109 grade levels. Instructional materials committees shall consider  
110 for adoption materials developed for academically talented  
111 students such as those enrolled in advanced placement courses.

112  
113 The findings of the committees, including the evaluation of  
114 instructional materials, shall be in sessions open to the  
115 public. All decisions leading to determinations of the  
116 committees shall be by roll call vote, and at no time will a  
117 secret ballot be permitted.

118 Section 12. Subsection (1) and paragraph (b) of subsection  
119 (2) of section 1006.34, Florida Statutes, are amended to read:

120 1006.34 Powers and duties of the commissioner and the  
121 department in selecting and adopting instructional materials.--

122 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
123 MATERIALS.--The commissioner shall prescribe the procedures by  
124 which the department shall evaluate instructional materials  
125 submitted by publishers and manufacturers in each adoption.  
126 Included in these procedures shall be provisions that ~~which~~

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127 afford each publisher or manufacturer or his or her  
128 representative an opportunity to present to members of the state  
129 instructional materials committees the merits of each  
130 instructional material submitted in each adoption. Beginning  
131 July 1, 2008, the procedures must prohibit the adoption of  
132 instructional materials that include any reference to the  
133 "Florida Comprehensive Assessment Test" or "FCAT" and must  
134 require any instructional materials submitted to clearly  
135 demonstrate alignment to the Sunshine State Standards.

136 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

137 (b) In the selection of instructional materials, library  
138 books, and other reading material used in the public school  
139 system, the standards used to determine the propriety of the  
140 material shall include:

141 1. The age of the students who normally could be expected  
142 to have access to the material.

143 2. The educational purpose to be served by the material.  
144 In considering instructional materials for classroom use,  
145 priority shall be given to the selection of materials which  
146 encompass the state and district school board curricular  
147 ~~performance~~ standards provided for in s. 1001.03(1) and which  
148 include the instructional objectives contained within the  
149 curriculum frameworks approved by rule of the State Board of  
150 Education.

151 3. The degree to which the material would be supplemented  
152 and explained by mature classroom instruction as part of a  
153 normal classroom instructional program.

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154 4. The consideration of the broad racial, ethnic,  
155 socioeconomic, and cultural diversity of the students of this  
156 state.

157  
158 No book or other material containing hard-core pornography or  
159 otherwise prohibited by s. 847.012 shall be used or available  
160 within any public school district.

161 Section 13. Paragraph (b) of subsection (3) of section  
162 1006.38, Florida Statutes, is amended to read:

163 1006.38 Duties, responsibilities, and requirements of  
164 instructional materials publishers and  
165 manufacturers.--Publishers and manufacturers of instructional  
166 materials, or their representatives, shall:

167 (3) Submit, at a time designated in s. 1006.33, the  
168 following information:

169 (b) Written proof that the publisher has provided written  
170 correlations to appropriate curricular objectives included  
171 within applicable curricular ~~performance~~ standards provided for  
172 in s. 1001.03(1).

173 Section 14. Subsection (1) and paragraph (b) of subsection  
174 (3) of section 1006.40, Florida Statutes, are amended to read:

175 1006.40 Use of instructional materials allocation;  
176 instructional materials, library books, and reference books;  
177 repair of books.--

178 (1)(a) On or before July 1 each year, the commissioner  
179 shall certify to each district school superintendent the  
180 estimated allocation of state funds for instructional materials,  
181 computed under ~~pursuant to the provisions of~~ s. 1011.67 for the  
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182 ensuing fiscal year. All instructional materials used must align  
183 to the Sunshine State Standards. Instructional materials used to  
184 teach reading shall, to the maximum extent practicable,  
185 incorporate nonfictional content from other core subjects.

186 (b) A school district may not expend funds from the  
187 instructional materials allocation for Florida Comprehensive  
188 Assessment Test (FCAT) practice tests, sample test items, or  
189 practice workbooks or for any other materials dedicated to test-  
190 taking exercises or strategies designed exclusively for FCAT  
191 preparation or that include any reference to the "Florida  
192 Comprehensive Assessment Test" or "FCAT." The department shall  
193 notify publishers and manufacturers of this prohibition by  
194 including notice of this paragraph in the instructional  
195 materials specifications for each adoption. A school district's  
196 violation of this paragraph is subject to the withholding of  
197 funds from the instructional materials allocation under s.  
198 1001.42(7).

199 (3)

200 (b) Up to 50 percent of the annual allocation may be used  
201 for the purchase of instructional materials, including library  
202 and reference books and nonprint materials, not included on the  
203 state-adopted list and for the repair and renovation of  
204 textbooks and library books. Notwithstanding subsection (4), up  
205 to 10 percent of the funds used for the purchase of  
206 instructional materials not on the state-adopted list may be  
207 used to purchase digital or online content, or technology  
208 devices with digital or online content, if the publisher or



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209 manufacturer clearly demonstrates that the content is aligned to  
210 the Sunshine State Standards.

211 Section 15. Section 1008.22, Florida Statutes, is amended  
212 to read:

213 1008.22 Student assessment program for public schools.--

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

219 (a) Assess the annual learning gains of each student  
220 toward achieving the Sunshine State Standards appropriate for  
221 the student's grade level.

222 (b) Provide data for making decisions regarding school  
223 accountability and recognition.

224 (c) Identify the educational strengths and needs of  
225 students and the readiness of students to be promoted to the  
226 next grade level or to graduate from high school with a standard  
227 or special high school diploma.

228 (d) Assess how well educational goals and curricular  
229 ~~performance~~ standards are met at the school, district, and state  
230 levels.

231 (e) Provide information to aid in the evaluation and  
232 development of educational programs and policies.

233 (f) Provide information on the performance of Florida  
234 students compared with that of other students across the United  
235 States.

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236 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
237 intent to participate in the measurement of national educational  
238 goals. The Commissioner of Education shall direct Florida school  
239 districts to participate in the administration of the National  
240 Assessment of Educational Progress, or a similar national  
241 assessment program, both for the national sample and for any  
242 state-by-state comparison programs which may be initiated. The  
243 ~~Such~~ assessments must be conducted using the data collection  
244 procedures, the student surveys, the educator surveys, and other  
245 instruments included in the National Assessment of Educational  
246 Progress or similar program being administered in Florida. The  
247 results of these assessments shall be included in the annual  
248 report of the Commissioner of Education specified in this  
249 section. The administration of the National Assessment of  
250 Educational Progress or similar program shall be in addition to  
251 and separate from the administration of the statewide assessment  
252 program.

253 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
254 design and implement a statewide program of educational  
255 assessment that provides information for the improvement of the  
256 operation and management of the public schools, including  
257 schools operating for the purpose of providing educational  
258 services to youth in Department of Juvenile Justice programs.  
259 The commissioner may enter into contracts for the continued  
260 administration of the assessment, testing, and evaluation  
261 programs authorized and funded by the Legislature. Contracts may  
262 be initiated in 1 fiscal year and continue into the next and may  
263 be paid from the appropriations of either or both fiscal years.

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264 The commissioner is authorized to negotiate for the sale or  
265 lease of tests, scoring protocols, test scoring services, and  
266 related materials developed pursuant to law. Pursuant to the  
267 statewide assessment program, the commissioner shall:

268 (a) Submit proposed enhanced curricular Sunshine State  
269 Standards to the State Board of Education for adoption and  
270 periodic review and revision under s. 1003.41. ~~a list that~~  
271 ~~specifies student skills and competencies to which the goals for~~  
272 ~~education specified in the state plan apply, including, but not~~  
273 ~~limited to, reading, writing, science, and mathematics. The~~  
274 ~~skills and competencies must include problem solving and higher-~~  
275 ~~order skills as appropriate and shall be known as the Sunshine~~  
276 ~~State Standards as defined in s. 1000.21. The commissioner shall~~  
277 ~~select such skills and competencies after receiving~~  
278 ~~recommendations from educators, citizens, and members of the~~  
279 ~~business community. The commissioner shall submit to the State~~  
280 ~~Board of Education revisions to the list of student skills and~~  
281 ~~competencies in order to maintain continuous progress toward~~  
282 ~~improvements in student proficiency.~~

283 (b) Develop and implement a uniform system of indicators  
284 to describe the performance of public school students and the  
285 characteristics of the public school districts and the public  
286 schools. These indicators must include, without limitation,  
287 information gathered by the comprehensive management information  
288 system created pursuant to s. 1008.385 and student achievement  
289 information obtained pursuant to this section.

290 (c) Develop and implement a student achievement testing  
291 program known as the Florida Comprehensive Assessment Test

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292 (FCAT) as part of the statewide assessment program to measure a  
293 student's content knowledge and skills in reading, writing,  
294 science, and mathematics, and, by the 2012-2013 school year,  
295 social studies. Other content areas may be included as directed  
296 by the commissioner. Comprehensive assessments ~~The assessment~~ of  
297 reading and mathematics shall be administered annually in grades  
298 3 through 10. Comprehensive assessments ~~The assessment~~ of  
299 writing and science shall be administered at least once at the  
300 elementary, middle, and high school levels. Comprehensive  
301 assessment of social studies shall be administered at least once  
302 at the middle school level. End-of-course assessments of social  
303 studies shall be administered at the high school level. End-of-  
304 course assessments of any other subject may be administered in  
305 addition to the comprehensive assessments required under this  
306 paragraph. An end-of-course assessment must be rigorous,  
307 standardized, and administered statewide. The content knowledge  
308 and skills assessed by comprehensive and end-of-course  
309 assessments must be aligned to the core curricular content  
310 established in the Sunshine State Standards. The commissioner  
311 may select one or more nationally developed comprehensive  
312 examinations, which may include, but are not limited to,  
313 examinations for a College Board Advanced Placement course,  
314 International Baccalaureate course, or Advanced International  
315 Certificate of Education course, for use as end-of-course  
316 assessments under this paragraph, if the commissioner determines  
317 that the content knowledge and skills assessed by the  
318 examinations meet or exceed the grade-level expectations of the  
319 Sunshine State Standards for the course ~~must document the~~

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320 ~~procedures used to ensure that the versions of the FCAT which~~  
321 ~~are taken by students retaking the grade 10 FCAT are equally as~~  
322 ~~challenging and difficult as the tests taken by students in~~  
323 ~~grade 10 which contain performance tasks. The testing program~~  
324 ~~must be designed as follows ~~so that:~~~~

325       1. ~~The tests measure student skills and competencies~~  
326 ~~adopted by the State Board of Education as specified in~~  
327 ~~paragraph (a). The tests must measure and report student~~  
328 ~~proficiency levels of all students assessed in reading, writing,~~  
329 ~~mathematics, and science, and social studies. The commissioner~~  
330 ~~shall provide for the tests to be developed or obtained, as~~  
331 ~~appropriate, through contracts and project agreements with~~  
332 ~~private vendors, public vendors, public agencies, postsecondary~~  
333 ~~educational institutions, or school districts. An entity awarded~~  
334 ~~a contract or entering into a project agreement, or a corporate~~  
335 ~~affiliate or subsidiary of the entity, may not participate in~~  
336 ~~the development or publication of practice tests, sample test~~  
337 ~~items, or practice workbooks or of any other materials dedicated~~  
338 ~~to test-taking exercises or strategies for the tests developed~~  
339 ~~or obtained through the contract or project agreement, except as~~  
340 ~~authorized in the contract or project agreement or otherwise~~  
341 ~~authorized in writing by the commissioner. The commissioner~~  
342 ~~shall obtain input with respect to the design and implementation~~  
343 ~~of the testing program from assessment experts, state educators,~~  
344 ~~assistive technology experts, and the public. In addition, the~~  
345 ~~commissioner shall provide for ongoing review of the FCAT by an~~  
346 ~~independent test-measurement expert who provides analysis and~~  
347 ~~evaluation of the test and testing practices.~~

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348       2. The testing program shall be composed ~~will include a~~  
349 ~~combination of norm-referenced and criterion-referenced tests,~~  
350 which shall and include, to the extent determined by the  
351 commissioner, include test items ~~questions~~ that require the  
352 student to produce information or perform tasks in such a way  
353 that the core content knowledge and skills ~~and competencies~~ he  
354 or she uses can be measured.

355       3. Beginning with the 2008-2009 school year, the  
356 commissioner shall discontinue administration of the selected-  
357 response test items on the comprehensive assessments of writing.  
358 Beginning with the 2012-2013 school year, the comprehensive  
359 assessments of writing shall be composed of a combination of  
360 selected-response test items, short-response performance tasks,  
361 and extended-response performance tasks, which shall measure a  
362 student's content knowledge of writing, including, but not  
363 limited to, paragraph and sentence structure, sentence  
364 construction, grammar and usage, punctuation, capitalization,  
365 spelling, parts of speech, verb tense, irregular verbs, subject-  
366 verb agreement, and noun-pronoun agreement. ~~Each testing~~  
367 ~~program, whether at the elementary, middle, or high school~~  
368 ~~level, includes a test of writing in which students are required~~  
369 ~~to produce writings that are then scored by appropriate and~~  
370 ~~timely methods.~~

371       4. For each test, a score shall be ~~is~~ designated ~~for each~~  
372 ~~subject area tested,~~ below which ~~score~~ a student's performance  
373 shall be ~~is~~ deemed inadequate. A ~~The school district districts~~  
374 shall provide appropriate remedial instruction to students whose  
375 performance is ~~who score~~ below grade level ~~these levels~~.

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376           5. Except as provided in s. 1003.428(8)(b) or s.  
377 1003.43(11)(b), students must earn a passing score on the grade  
378 10 assessment test described in this paragraph or attain  
379 concordant scores as described in subsection (9) in reading,  
380 writing, and mathematics to qualify for a standard high school  
381 diploma. The State Board of Education shall designate a passing  
382 score for each part of the grade 10 assessment test. In  
383 establishing passing scores, the state board shall consider any  
384 possible negative impact of the test on minority students. The  
385 State Board of Education shall adopt rules that ~~which~~ specify  
386 the passing scores for the grade 10 FCAT. Any such rules that,  
387 ~~which~~ have the effect of raising the required passing scores,  
388 shall only apply to students taking the grade 10 FCAT for the  
389 first time after such rules are adopted by the State Board of  
390 Education.

391           6. Participation in the testing program shall be ~~is~~  
392 mandatory for all students attending public school, including  
393 students served in Department of Juvenile Justice programs,  
394 except as otherwise prescribed by the commissioner. If a student  
395 does not participate in the statewide assessment, the district  
396 must notify the student's parent and provide the parent with  
397 information regarding the implications of such nonparticipation.  
398 A parent must provide signed consent for a student to receive  
399 classroom instructional accommodations that would not be  
400 available or permitted on the statewide assessments and must  
401 acknowledge in writing that he or she understands the  
402 implications of such instructional accommodations. The State  
403 Board of Education shall adopt rules, based upon recommendations

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404 of the commissioner, for the provision of test accommodations  
405 for students in exceptional education programs and for students  
406 who have limited English proficiency. Accommodations that negate  
407 the validity of a statewide assessment are not allowable in the  
408 administration of the FCAT. However, instructional  
409 accommodations are allowable in the classroom if included in a  
410 student's individual education plan. Students using  
411 instructional accommodations in the classroom that are not  
412 allowable as accommodations on the FCAT may have the FCAT  
413 requirement waived under ~~pursuant to the requirements of~~ s.  
414 1003.428(8)(b) or s. 1003.43(11)(b).

415 7. A student seeking an adult high school diploma must  
416 meet the same testing requirements that a regular high school  
417 student must meet.

418 8. District school boards must provide instruction to  
419 prepare students to demonstrate proficiency in the core  
420 curricular content established in the Sunshine State Standards  
421 adopted under s. 1003.41, including the core content knowledge  
422 and skills ~~and competencies~~ necessary for successful grade-to-  
423 grade progression and high school graduation. If a student is  
424 provided with instructional accommodations in the classroom that  
425 are not allowable as accommodations in the statewide assessment  
426 program, as described in the test manuals, the district must  
427 inform the parent in writing and must provide the parent with  
428 information regarding the impact on the student's ability to  
429 meet expected proficiency levels in reading, writing, science,  
430 mathematics, and social studies ~~math~~. The commissioner shall  
431 conduct studies as necessary to verify that the required core

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432 curricular content is ~~skills and competencies~~ are part of the  
433 district instructional programs.

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

438 10. The Department of Education must develop, or select,  
439 and implement a common battery of assessment tools that are ~~will~~  
440 ~~be~~ used in all juvenile justice programs in the state. These  
441 tools must accurately measure the core curricular content ~~skills~~  
442 ~~and competencies~~ established in the Sunshine State Standards.

443 11. For students seeking a special diploma under ~~pursuant~~  
444 ~~to~~ s. 1003.438, the Department of Education must develop, or  
445 select, and implement an alternate assessment tool that  
446 accurately measures the core curricular content ~~skills and~~  
447 ~~competencies~~ established in the Sunshine State Standards for  
448 students with disabilities under s. 1003.438.

449 12. The Commissioner of Education shall establish  
450 schedules for the administration of statewide assessments and  
451 the reporting of student test results. The commissioner shall,  
452 by August 1 of each year, notify each school district in writing  
453 and publish on the department's Internet website the testing and  
454 reporting schedules for, at a minimum, the school year following  
455 the upcoming school year. The testing and reporting schedules  
456 shall require that:

457 a. There be the latest possible administration of  
458 statewide assessments and the earliest possible reporting to the

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459 school districts of student test results that are feasible  
460 within available technology and specific appropriations.

461 b. Beginning with the 2010-2011 school year, a  
462 comprehensive statewide assessment of writing not be  
463 administered earlier than the week of March 1 and a  
464 comprehensive statewide assessment of any other subject not be  
465 administered earlier than the week of April 15.

466 c. A statewide end-of-course assessment be administered  
467 within the last 2 weeks of the course.

468 d. Student test results of statewide assessments be  
469 reported by the week of the first Monday in June following  
470 administration of the assessments.

471

472 The commissioner may, based on collaboration and input from  
473 school districts, design and implement student testing programs,  
474 for any grade level and subject area, necessary to effectively  
475 monitor educational achievement in the state, including the  
476 measurement of educational achievement of the Sunshine State  
477 Standards for students with disabilities. Development and  
478 refinement of assessments shall include universal design  
479 principles and accessibility standards that will prevent any  
480 unintended obstacles for students with disabilities while  
481 ensuring the validity and reliability of the test. These  
482 principles should be applicable to all technology platforms and  
483 assistive devices available for the assessments. The field  
484 testing process and psychometric analyses for the statewide  
485 assessment program must include an appropriate percentage of

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

488 (d) Conduct ongoing research to develop improved methods  
489 of assessing student performance, including, without limitation,  
490 the use of technology to administer tests, score, or report the  
491 results of, the use of electronic transfer of data, the  
492 development of work-product assessments, and the development of  
493 process assessments.

494 (e) Conduct ongoing research and analysis of student  
495 achievement data, including, without limitation, monitoring  
496 trends in student achievement by grade level and overall student  
497 achievement, identifying school programs that are successful,  
498 and analyzing correlates of school achievement.

499 (f) Provide technical assistance to school districts in  
500 the implementation of state and district testing programs and  
501 the use of the data produced pursuant to such programs.

502 (g) Study the cost and student achievement impact of  
503 secondary end-of-course assessments, including web-based and  
504 performance formats, and report to the Legislature prior to  
505 implementation.

506 (4) DISTRICT TESTING PROGRAMS.--Each district school board  
507 shall periodically assess student performance and achievement  
508 within each school of the district. The assessment programs must  
509 be based on the core curricular content established in the  
510 Sunshine State Standards and any ~~upon~~ local goals and objectives  
511 that are compatible with the state plan for education and that  
512 supplement the core content knowledge and skills necessary for  
513 successful grade-to-grade progression and high school graduation

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514 ~~and competencies adopted by the State Board of Education.~~ All  
515 school districts must participate in the statewide assessment  
516 program designed to measure annual student learning and school  
517 performance. All district school boards shall report assessment  
518 results as required by the state management information system.

519 (5) SCHOOL TESTING PROGRAMS.--Each public school shall  
520 participate in the statewide assessment program in accordance  
521 with the testing and reporting schedules published by the  
522 Commissioner of Education under subparagraph (3)(c)12.7, unless  
523 specifically exempted by state board rule based on serving a  
524 specialized population for which standardized testing is not  
525 appropriate. Student performance data shall be analyzed and  
526 reported to parents, the community, and the state. Student  
527 performance data shall be used in developing objectives of the  
528 school improvement plan, evaluation of instructional personnel,  
529 evaluation of administrative personnel, assignment of staff,  
530 allocation of resources, acquisition of instructional materials  
531 and technology, performance-based budgeting, and promotion and  
532 assignment of students into educational programs. The analysis  
533 of student performance data also must identify strengths and  
534 needs in the educational program and trends over time. The  
535 analysis must be used in conjunction with the budgetary planning  
536 processes developed pursuant to s. 1008.385 and the development  
537 of the programs of remediation.

538 (6) REQUIRED ANALYSES.--The commissioner shall provide, at  
539 a minimum, for the following analyses of data produced by the  
540 student achievement testing program:

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541 (a) The statistical system for the annual assessments  
542 shall use measures of student learning, such as the FCAT, to  
543 determine teacher, school, and school district statistical  
544 distributions, which shall be determined using available data  
545 from the FCAT, and other data collection as deemed appropriate  
546 by the Department of Education, to measure the differences in  
547 student prior year achievement compared to the current year  
548 achievement for the purposes of accountability and recognition.

549 (b) The statistical system shall provide the best  
550 estimates of teacher, school, and school district effects on  
551 student progress. The approach used by the department shall be  
552 approved by the commissioner before implementation.

553 (c) The annual testing program shall be administered to  
554 provide for valid statewide comparisons of learning gains to be  
555 made for purposes of accountability and recognition. ~~The~~  
556 ~~commissioner shall establish a schedule for the administration~~  
557 ~~of the statewide assessments. In establishing such schedule, the~~  
558 ~~commissioner is charged with the duty to accomplish the latest~~  
559 ~~possible administration of the statewide assessments and the~~  
560 ~~earliest possible provision of the results to the school~~  
561 ~~districts feasible within available technology and specific~~  
562 ~~appropriation.~~ District school boards shall not establish school  
563 calendars that jeopardize or limit the valid testing and  
564 comparison of student learning gains.

565 (7) LOCAL ASSESSMENTS.--Measurement of the learning gains  
566 of students in all subjects and grade levels other than subjects  
567 and grade levels required for the state student achievement  
568 testing program is the responsibility of the school districts.

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569 (8) APPLICABILITY OF TESTING STANDARDS.--

570 (a) If the Commissioner of Education revises a statewide  
571 assessment and the revisions require the State Board of  
572 Education to modify the assessment's proficiency levels or  
573 modify the passing scores required for a standard high school  
574 diploma, until the state board adopts the modifications by rule,  
575 the commissioner shall use calculations for scoring the  
576 assessment that adjust student scores on the revised assessment  
577 for statistical equivalence to student scores on the former  
578 assessment.

579 (b) A student must attain ~~meet~~ the passing scores on a  
580 statewide assessment required ~~testing requirements~~ for a  
581 standard high school diploma graduation that were in effect at  
582 the time the student entered 9<sup>th</sup> grade 9 ~~if, provided~~ the  
583 student's enrollment was continuous.

584 (c) If the commissioner revises a statewide assessment and  
585 the revisions require the State Board of Education to modify the  
586 passing scores required for a standard high school diploma, the  
587 commissioner may, with approval of the state board, discontinue  
588 administration of the former assessment upon the graduation,  
589 based on normal student progression, of students participating  
590 in the final regular administration of the former assessment.  
591 The state board shall adopt by rule passing scores for the  
592 revised assessment that are statistically equivalent to passing  
593 scores on the discontinued assessment for a student required  
594 under paragraph (b) to attain passing scores on the discontinued  
595 assessment.

596 (9) CONCORDANT SCORES FOR THE FCAT.--

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597 (a) The State Board of Education shall analyze the content  
598 and concordant data sets for widely used high school achievement  
599 tests, including, but not limited to, the PSAT, PLAN, SAT, ACT,  
600 and College Placement Test, to assess if concordant scores for  
601 FCAT scores can be determined for high school graduation,  
602 college placement, and scholarship awards. In cases where  
603 content alignment and concordant scores can be determined, the  
604 Commissioner of Education shall adopt those scores as meeting  
605 the graduation requirement in lieu of achieving the FCAT passing  
606 score and may adopt those scores as being sufficient to achieve  
607 additional purposes as determined by rule. Each time ~~that~~ test  
608 content or scoring procedures change ~~are changed~~ for the FCAT or  
609 for a high school achievement test for which a concordant score  
610 is determined ~~one of the identified tests~~, new concordant scores  
611 must be determined.

612 (b) In order to use a concordant subject area score  
613 pursuant to this subsection to satisfy the assessment  
614 requirement for a standard high school diploma as provided in s.  
615 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must  
616 take each subject area of the grade 10 FCAT a total of three  
617 times without earning a passing score. The requirements of this  
618 paragraph shall not apply to a new student who enters the  
619 Florida public school system in grade 12, who may either achieve  
620 a passing score on the FCAT or use an approved subject area  
621 concordant score to fulfill the graduation requirement.

622 (c) The State Board of Education may define by rule the  
623 allowable uses, other than to satisfy the high school graduation  
624 requirement, for concordant scores as described in this

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625 subsection. Such uses may include, but need not be limited to,  
626 achieving appropriate standardized test scores required for the  
627 awarding of Florida Bright Futures Scholarships and college  
628 placement.

629 (10) REPORTS.--The Department of Education shall annually  
630 provide a report to the Governor, the President of the Senate,  
631 and the Speaker of the House of Representatives on the  
632 following:

633 (a) Longitudinal performance of students in mathematics  
634 and reading.

635 (b) Longitudinal performance of students by grade level in  
636 mathematics and reading.

637 (c) Longitudinal performance regarding efforts to close  
638 the achievement gap.

639 ~~(d) Longitudinal performance of students on the norm-~~  
640 ~~referenced component of the FCAT.~~

641 (d)(e) Other student performance data based on national  
642 norm-referenced and criterion-referenced tests, when available,  
643 and numbers of students who after 8th grade enroll in adult  
644 education rather than other secondary education.

645 (11) RULES.--The State Board of Education shall adopt  
646 rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement  
647 ~~the provisions of~~ this section.

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**T I T L E A M E N D M E N T**

Remove lines 24-54 and insert:

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653 1003.43, 1003.63, 1006.28, and 1006.31, F.S.; conforming  
654 provisions; amending s. 1006.34, F.S.; specifying additional  
655 criteria for evaluating instructional materials; conforming  
656 provisions; amending s. 1006.38, F.S.; conforming provisions;  
657 amending s. 1006.40, F.S.; requiring instructional materials to  
658 align to the Sunshine State Standards; prohibiting school  
659 district expenditure of the instructional materials allocation  
660 for purposes of FCAT preparation; requiring notification to  
661 manufacturers and publishers; providing a penalty; authorizing  
662 purchases of specified content or devices; amending s. 1008.22,  
663 F.S.; revising requirements and conforming provisions relating  
664 to the statewide assessment program; revising powers and duties  
665 of the Commissioner of Education; requiring the FCAT to assess  
666 students in social studies by a certain time; providing for end-  
667 of-course assessments; requiring the content knowledge and  
668 skills assessed by the FCAT and end-of-course assessments to  
669 align to the Sunshine State Standards; authorizing the  
670 commissioner to select certain nationally developed examinations  
671 as end-of-course assessments under specified conditions;  
672 deleting provisions relating to documentation of certain testing  
673 procedures; providing restrictions on the development or  
674 publication of test-preparation materials; deleting requirements  
675 for norm-referenced tests; revising requirements for assessments  
676 of writing; establishing requirements for FCAT testing and  
677 reporting schedules; requiring public schools to

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