

By Senator Wilson

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

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

13
14 Section 1. Paragraph (c) of subsection (3) of section
15 1008.22, Florida Statutes, is amended to read:

16 1008.22 Student assessment program for public schools.—

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

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30 related materials developed pursuant to law. Pursuant to the
31 statewide assessment program, the commissioner shall:

32 (c) Develop and implement a student achievement testing
33 program known as the Florida Comprehensive Assessment Test
34 (FCAT) as part of the statewide assessment program to measure a
35 student's content knowledge and skills in reading, writing,
36 science, and mathematics. Other content areas may be included as
37 directed by the commissioner. Comprehensive assessments of
38 reading and mathematics shall be administered annually in grades
39 3 through 10. Comprehensive assessments of writing and science
40 shall be administered at least once at the elementary, middle,
41 and high school levels. End-of-course assessments for a subject
42 may be administered in addition to the comprehensive assessments
43 required for that subject under this paragraph. An end-of-course
44 assessment must be rigorous, statewide, standardized, and
45 developed or approved by the department. The content knowledge
46 and skills assessed by comprehensive and end-of-course
47 assessments must be aligned to the core curricular content
48 established in the Sunshine State Standards. The commissioner
49 may select one or more nationally developed comprehensive
50 examinations, which may include, but need not be limited to,
51 examinations for a College Board Advanced Placement course,
52 International Baccalaureate course, or Advanced International
53 Certificate of Education course or industry-approved
54 examinations to earn national industry certifications as defined
55 in s. 1003.492, for use as end-of-course assessments under this
56 paragraph, if the commissioner determines that the content
57 knowledge and skills assessed by the examinations meet or exceed
58 the grade level expectations for the core curricular content

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59 established for the course in the Next Generation Sunshine State
60 Standards. The commissioner may collaborate with the American
61 Diploma Project in the adoption or development of rigorous end-
62 of-course assessments that are aligned to the Next Generation
63 Sunshine State Standards. The testing program must be designed
64 as follows:

65 1. The tests shall measure student skills and competencies
66 adopted by the State Board of Education as specified in
67 paragraph (a). The tests must measure and report student
68 proficiency levels of all students assessed in reading, writing,
69 mathematics, and science. The commissioner shall provide for the
70 tests to be developed or obtained, as appropriate, through
71 contracts and project agreements with private vendors, public
72 vendors, public agencies, postsecondary educational
73 institutions, or school districts. The commissioner shall obtain
74 input with respect to the design and implementation of the
75 testing program from state educators, assistive technology
76 experts, and the public. This must include, at a minimum, annual
77 input from two persons recommended by the Florida School for the
78 Deaf and the Blind and two persons recommended by the Americans
79 with Disabilities Working Group created by Executive Order 01-
80 161.

81 2. The testing program shall be composed of criterion-
82 referenced tests that shall, to the extent determined by the
83 commissioner, include test items that require the student to
84 produce information or perform tasks in such a way that the core
85 content knowledge and skills he or she uses can be measured.

86 3. Beginning with the 2008-2009 school year, the
87 commissioner shall discontinue administration of the selected-

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88 response test items on the comprehensive assessments of writing.
89 Beginning with the 2012-2013 school year, the comprehensive
90 assessments of writing shall be composed of a combination of
91 selected-response test items, short-response performance tasks,
92 and extended-response performance tasks, which shall measure a
93 student's content knowledge of writing, including, but not
94 limited to, paragraph and sentence structure, sentence
95 construction, grammar and usage, punctuation, capitalization,
96 spelling, parts of speech, verb tense, irregular verbs, subject-
97 verb agreement, and noun-pronoun agreement.

98 4. A score shall be designated for each subject area
99 tested, below which score a student's performance is deemed
100 inadequate. The school districts shall provide appropriate
101 remedial instruction to students who score below these levels.

102 5. Except as provided in s. 1003.428(8)(b) or s.
103 1003.43(11)(b), students must earn a passing score on the grade
104 10 assessment test described in this paragraph or attain
105 concordant scores as described in subsection (10) in reading,
106 writing, and mathematics to qualify for a standard high school
107 diploma. The State Board of Education shall designate a passing
108 score for each part of the grade 10 assessment test. In
109 establishing passing scores, the state board shall consider any
110 possible negative impact of the test on minority students. The
111 State Board of Education shall adopt rules which specify the
112 passing scores for the grade 10 FCAT. Any such rules, which have
113 the effect of raising the required passing scores, shall apply
114 only to students taking the grade 10 FCAT for the first time
115 after such rules are adopted by the State Board of Education.

116 6. Participation in the testing program is mandatory for

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117 all students attending public school, including students served
118 in Department of Juvenile Justice programs, except as otherwise
119 prescribed by the commissioner. If a student does not
120 participate in the statewide assessment, the district must
121 notify the student's parent and provide the parent with
122 information regarding the implications of such nonparticipation.
123 A parent must provide signed consent for a student to receive
124 classroom instructional accommodations that would not be
125 available or permitted on the statewide assessments and must
126 acknowledge in writing that he or she understands the
127 implications of such instructional accommodations. The State
128 Board of Education shall adopt rules, based upon recommendations
129 of the commissioner, for the provision of test accommodations
130 for students in exceptional education programs and for students
131 who have limited English proficiency. Accommodations that negate
132 the validity of a statewide assessment are not allowable in the
133 administration of the FCAT. However, instructional
134 accommodations are allowable in the classroom if included in a
135 student's individual education plan. Students using
136 instructional accommodations in the classroom that are not
137 allowable as accommodations on the FCAT may have the FCAT
138 requirement waived pursuant to the requirements of s.
139 1003.428(8)(b) or s. 1003.43(11)(b).

140 7. A student seeking an adult high school diploma must meet
141 the same testing requirements that a regular high school student
142 must meet.

143 8. District school boards must provide instruction to
144 prepare students to demonstrate proficiency in the core
145 curricular content established in the Next Generation Sunshine

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146 State Standards adopted under s. 1003.41, including the core
147 content knowledge and skills necessary for successful grade-to-
148 grade progression and high school graduation. If a student is
149 provided with instructional accommodations in the classroom that
150 are not allowable as accommodations in the statewide assessment
151 program, as described in the test manuals, the district must
152 inform the parent in writing and must provide the parent with
153 information regarding the impact on the student's ability to
154 meet expected proficiency levels in reading, writing, and
155 mathematics. The commissioner shall conduct studies as necessary
156 to verify that the required core curricular content is part of
157 the district instructional programs.

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

162 10. The Department of Education must develop, or select,
163 and implement a common battery of assessment tools that will be
164 used in all juvenile justice programs in the state. These tools
165 must accurately measure the core curricular content established
166 in the Sunshine State Standards.

167 11. For students seeking a special diploma pursuant to s.
168 1003.438, the Department of Education must develop or select and
169 implement an alternate assessment tool that accurately measures
170 the core curricular content established in the Sunshine State
171 Standards for students with disabilities under s. 1003.438.

172 12. The Commissioner of Education shall establish schedules
173 for the administration of statewide assessments and the
174 reporting of student test results. The commissioner shall, by

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175 August 1 of each year, notify each school district in writing
176 and publish on the department's Internet website the testing and
177 reporting schedules for, at a minimum, the school year following
178 the upcoming school year. The testing and reporting schedules
179 shall require that:

180 a. There is the latest possible administration of statewide
181 assessments and the earliest possible reporting to the school
182 districts of student test results which is feasible within
183 available technology and specific appropriations; however, test
184 results must be made available no later than the final day of
185 the regular school year for students.

186 b. Beginning with the 2010-2011 school year, a
187 comprehensive statewide assessment of writing is not
188 administered earlier than the week of March 1 and a
189 comprehensive statewide assessment of any other subject is not
190 administered earlier than the week of April 15.

191 c. A statewide standardized end-of-course assessment is
192 administered within the last 2 weeks of the course.

193
194 The commissioner may, based on collaboration and input from
195 school districts, design and implement student testing programs,
196 for any grade level and subject area, necessary to effectively
197 monitor educational achievement in the state, including the
198 measurement of educational achievement of the Sunshine State
199 Standards for students with disabilities. Development and
200 refinement of assessments shall include universal design
201 principles and accessibility standards that will prevent any
202 unintended obstacles for students with disabilities while
203 ensuring the validity and reliability of the test. These

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204 principles should be applicable to all technology platforms and
205 assistive devices available for the assessments. The field
206 testing process and psychometric analyses for the statewide
207 assessment program must include an appropriate percentage of
208 students with disabilities and an evaluation or determination of
209 the effect of test items on such students.

210 Section 2. This act shall take effect July 1, 2009.