

By Senator Ring

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1 A bill to be entitled

2 An act relating to statewide assessments; amending s.  
3 1008.22, F.S.; revising provisions relating to the  
4 schedule for administering comprehensive statewide  
5 assessments; providing that a comprehensive statewide  
6 assessment may be administered the week before the  
7 week of April 15 if a religious holiday occurs during  
8 that week; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Paragraph (c) of subsection (3) of section  
13 1008.22, Florida Statutes, is amended to read:

14 1008.22 Student assessment program for public schools.—

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

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

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

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

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

80 3. Beginning with the 2008-2009 school year, the  
81 commissioner shall discontinue administration of the selected-  
82 response test items on the comprehensive assessments of writing.  
83 Beginning with the 2012-2013 school year, the comprehensive  
84 assessments of writing shall be composed of a combination of  
85 selected-response test items, short-response performance tasks,  
86 and extended-response performance tasks, which shall measure a  
87 student's content knowledge of writing, including, but not

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88 limited to, paragraph and sentence structure, sentence  
89 construction, grammar and usage, punctuation, capitalization,  
90 spelling, parts of speech, verb tense, irregular verbs, subject-  
91 verb agreement, and noun-pronoun agreement.

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

96 5. Except as provided in s. 1003.428(8)(b) or s.  
97 1003.43(11)(b), students must earn a passing score on the grade  
98 10 assessment test described in this paragraph or attain  
99 concordant scores as described in subsection (10) in reading,  
100 writing, and mathematics to qualify for a standard high school  
101 diploma. The State Board of Education shall designate a passing  
102 score for each part of the grade 10 assessment test. In  
103 establishing passing scores, the state board shall consider any  
104 possible negative impact of the test on minority students. The  
105 State Board of Education shall adopt rules which specify the  
106 passing scores for the grade 10 FCAT. Any such rules, which have  
107 the effect of raising the required passing scores, shall apply  
108 only to students taking the grade 10 FCAT for the first time  
109 after such rules are adopted by the State Board of Education.

110 6. Participation in the testing program is mandatory for  
111 all students attending public school, including students served  
112 in Department of Juvenile Justice programs, except as otherwise  
113 prescribed by the commissioner. If a student does not  
114 participate in the statewide assessment, the district must  
115 notify the student's parent and provide the parent with  
116 information regarding the implications of such nonparticipation.

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117 A parent must provide signed consent for a student to receive  
118 classroom instructional accommodations that would not be  
119 available or permitted on the statewide assessments and must  
120 acknowledge in writing that he or she understands the  
121 implications of such instructional accommodations. The State  
122 Board of Education shall adopt rules, based upon recommendations  
123 of the commissioner, for the provision of test accommodations  
124 for students in exceptional education programs and for students  
125 who have limited English proficiency. Accommodations that negate  
126 the validity of a statewide assessment are not allowable in the  
127 administration of the FCAT. However, instructional  
128 accommodations are allowable in the classroom if included in a  
129 student's individual education plan. Students using  
130 instructional accommodations in the classroom that are not  
131 allowable as accommodations on the FCAT may have the FCAT  
132 requirement waived pursuant to the requirements of s.  
133 1003.428(8)(b) or s. 1003.43(11)(b).

134 7. A student seeking an adult high school diploma must meet  
135 the same testing requirements that a regular high school student  
136 must meet.

137 8. District school boards must provide instruction to  
138 prepare students to demonstrate proficiency in the core  
139 curricular content established in the Next Generation Sunshine  
140 State Standards adopted under s. 1003.41, including the core  
141 content knowledge and skills necessary for successful grade-to-  
142 grade progression and high school graduation. If a student is  
143 provided with instructional accommodations in the classroom that  
144 are not allowable as accommodations in the statewide assessment  
145 program, as described in the test manuals, the district must

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146 inform the parent in writing and must provide the parent with  
147 information regarding the impact on the student's ability to  
148 meet expected proficiency levels in reading, writing, and  
149 mathematics. The commissioner shall conduct studies as necessary  
150 to verify that the required core curricular content is part of  
151 the district instructional programs.

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

156 10. The Department of Education must develop, or select,  
157 and implement a common battery of assessment tools that will be  
158 used in all juvenile justice programs in the state. These tools  
159 must accurately measure the core curricular content established  
160 in the Sunshine State Standards.

161 11. For students seeking a special diploma pursuant to s.  
162 1003.438, the Department of Education must develop or select and  
163 implement an alternate assessment tool that accurately measures  
164 the core curricular content established in the Sunshine State  
165 Standards for students with disabilities under s. 1003.438.

166 12. The Commissioner of Education shall establish schedules  
167 for the administration of statewide assessments and the  
168 reporting of student test results. The commissioner shall, by  
169 August 1 of each year, notify each school district in writing  
170 and publish on the department's Internet website the testing and  
171 reporting schedules for, at a minimum, the school year following  
172 the upcoming school year. The testing and reporting schedules  
173 shall require that:

174 a. There is the latest possible administration of statewide

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175 assessments and the earliest possible reporting to the school  
176 districts of student test results which is feasible within  
177 available technology and specific appropriations; however, test  
178 results must be made available no later than the final day of  
179 the regular school year for students.

180 b. Beginning with the 2010-2011 school year, a  
181 comprehensive statewide assessment of writing is not  
182 administered earlier than the week of March 1 and a  
183 comprehensive statewide assessment of any other subject is not  
184 administered earlier than the week of April 15. However, if any  
185 religious holiday, including, but not limited to, Passover and  
186 Easter, occurs during the week of April 15, the comprehensive  
187 statewide assessment may be administered the week before the  
188 week during which the religious holiday occurs.

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

191  
192 The commissioner may, based on collaboration and input from  
193 school districts, design and implement student testing programs,  
194 for any grade level and subject area, necessary to effectively  
195 monitor educational achievement in the state, including the  
196 measurement of educational achievement of the Sunshine State  
197 Standards for students with disabilities. Development and  
198 refinement of assessments shall include universal design  
199 principles and accessibility standards that will prevent any  
200 unintended obstacles for students with disabilities while  
201 ensuring the validity and reliability of the test. These  
202 principles should be applicable to all technology platforms and  
203 assistive devices available for the assessments. The field

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204 testing process and psychometric analyses for the statewide  
205 assessment program must include an appropriate percentage of  
206 students with disabilities and an evaluation or determination of  
207 the effect of test items on such students.

208 Section 2. This act shall take effect July 1, 2010.