

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bullard offered the following:

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

4 Remove lines 266-560 and insert:

5 Section 19. Paragraphs (a), (b), and (c) of subsection (3)
6 of section 1012.33, Florida Statutes, are repealed.

7 Section 20. Paragraph (c) of subsection (3) of section
8 1008.22, Florida Statutes, is amended to read:

9 1008.22 Student assessment program for public schools.—

10 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
11 design and implement a statewide program of educational
12 assessment that provides information for the improvement of the
13 operation and management of the public schools, including
14 schools operating for the purpose of providing educational
15 services to youth in Department of Juvenile Justice programs.

16 The commissioner may enter into contracts for the continued
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17 administration of the assessment, testing, and evaluation
18 programs authorized and funded by the Legislature. Contracts may
19 be initiated in 1 fiscal year and continue into the next and may
20 be paid from the appropriations of either or both fiscal years.
21 The commissioner is authorized to negotiate for the sale or
22 lease of tests, scoring protocols, test scoring services, and
23 related materials developed pursuant to law. Pursuant to the
24 statewide assessment program, the commissioner shall:

25 (c) Develop and implement a student achievement testing
26 program as follows:

27 1. The Florida Comprehensive Assessment Test (FCAT)
28 measures a student's content knowledge and skills in reading,
29 writing, science, and mathematics. The content knowledge and
30 skills assessed by the FCAT must be aligned to the core
31 curricular content established in the Next Generation Sunshine
32 State Standards. Other content areas may be included as directed
33 by the commissioner. Comprehensive assessments of reading and
34 mathematics shall be administered annually in grades 3 through
35 10 except, beginning with the 2010-2011 school year, the
36 administration of grade 9 FCAT Mathematics shall be
37 discontinued, and beginning with the 2011-2012 school year, the
38 administration of grade 10 FCAT Mathematics shall be
39 discontinued, except as required for students who have not
40 attained minimum performance expectations for graduation as
41 provided in paragraph (9) (c). FCAT Writing and FCAT Science
42 shall be administered at least once at the elementary, middle,
43 and high school levels except, beginning with the 2011-2012
44 school year, the administration of FCAT Science at the high
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45 school level shall be discontinued.

46 2.a. End-of-course assessments for a subject shall be
47 administered in addition to the comprehensive assessments
48 required under subparagraph 1. End-of-course assessments must be
49 rigorous, statewide, standardized, and developed or approved by
50 the department. The content knowledge and skills assessed by
51 end-of-course assessments must be aligned to the core curricular
52 content established in the Next Generation Sunshine State
53 Standards.

54 (I) Statewide, standardized end-of-course assessments in
55 mathematics shall be administered according to this sub-sub-
56 subparagraph. Beginning with the 2010-2011 school year, all
57 students enrolled in Algebra I or an equivalent course must take
58 the Algebra I end-of-course assessment. ~~Students who earned high
59 school credit in Algebra I while in grades 6 through 8 during
60 the 2007-2008 through 2009-2010 school years and who have not
61 taken Grade 10 FCAT Mathematics must take the Algebra I end-of-
62 course assessment during the 2010-2011 school year.~~ For students
63 entering grade 9 during the 2010-2011 school year and who are
64 enrolled in Algebra I or an equivalent, each student's
65 performance on the end-of-course assessment in Algebra I shall
66 constitute 30 percent of the student's final course grade.
67 Beginning with students entering grade 9 in the 2011-2012 school
68 year, a student who is enrolled in Algebra I or an equivalent
69 must earn a passing score on the end-of-course assessment in
70 Algebra I or attain an equivalent score as described in
71 subsection (11) in order to earn course credit. Beginning with
72 the 2011-2012 school year, all students enrolled in geometry or
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73 an equivalent course must take the geometry end-of-course
74 assessment. For students entering grade 9 during the 2011-2012
75 school year, each student's performance on the end-of-course
76 assessment in geometry shall constitute 30 percent of the
77 student's final course grade. Beginning with students entering
78 grade 9 during the 2012-2013 school year, a student must earn a
79 passing score on the end-of-course assessment in geometry or
80 attain an equivalent score as described in subsection (11) in
81 order to earn course credit.

82 (II) Statewide, standardized end-of-course assessments in
83 science shall be administered according to this sub-sub-
84 subparagraph. Beginning with the 2011-2012 school year, all
85 students enrolled in Biology I or an equivalent course must take
86 the Biology I end-of-course assessment. For the 2011-2012 school
87 year, each student's performance on the end-of-course assessment
88 in Biology I shall constitute 30 percent of the student's final
89 course grade. Beginning with students entering grade 9 during
90 the 2012-2013 school year, a student must earn a passing score
91 on the end-of-course assessment in Biology I in order to earn
92 course credit.

93 b. During the 2012-2013 school year, an end-of-course
94 assessment in civics education shall be administered as a field
95 test at the middle school level. During the 2013-2014 school
96 year, each student's performance on the statewide, standardized
97 end-of-course assessment in civics education shall constitute 30
98 percent of the student's final course grade. Beginning with the
99 2014-2015 school year, a student must earn a passing score on
100 the end-of-course assessment in civics education in order to

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101 pass the course and receive course credit.

102 c. The commissioner may select one or more nationally
103 developed comprehensive examinations, which may include, but
104 need not be limited to, examinations for a College Board
105 Advanced Placement course, International Baccalaureate course,
106 or Advanced International Certificate of Education course, or
107 industry-approved examinations to earn national industry
108 certifications identified in the Industry Certification Funding
109 List, pursuant to rules adopted by the State Board of Education,
110 for use as end-of-course assessments under this paragraph, if
111 the commissioner determines that the content knowledge and
112 skills assessed by the examinations meet or exceed the grade
113 level expectations for the core curricular content established
114 for the course in the Next Generation Sunshine State Standards.
115 The commissioner may collaborate with the American Diploma
116 Project in the adoption or development of rigorous end-of-course
117 assessments that are aligned to the Next Generation Sunshine
118 State Standards.

119 d. Contingent upon funding provided in the General
120 Appropriations Act, including the appropriation of funds
121 received through federal grants, the Commissioner of Education
122 shall establish an implementation schedule for the development
123 and administration of additional statewide, standardized end-of-
124 course assessments in English/Language Arts II, Algebra II,
125 chemistry, physics, earth/space science, United States history,
126 and world history. Priority shall be given to the development of
127 end-of-course assessments in English/Language Arts II. The
128 Commissioner of Education shall evaluate the feasibility and

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129 effect of transitioning from the grade 9 and grade 10 FCAT
130 Reading and high school level FCAT Writing to an end-of-course
131 assessment in English/Language Arts II. The commissioner shall
132 report the results of the evaluation to the President of the
133 Senate and the Speaker of the House of Representatives no later
134 than July 1, 2011.

135 3. The testing program shall measure student content
136 knowledge and skills adopted by the State Board of Education as
137 specified in paragraph (a) and measure and report student
138 performance levels of all students assessed in reading, writing,
139 mathematics, and science. The commissioner shall provide for the
140 tests to be developed or obtained, as appropriate, through
141 contracts and project agreements with private vendors, public
142 vendors, public agencies, postsecondary educational
143 institutions, or school districts. The commissioner shall obtain
144 input with respect to the design and implementation of the
145 testing program from state educators, assistive technology
146 experts, and the public.

147 4. The testing program shall be composed of criterion-
148 referenced tests that shall, to the extent determined by the
149 commissioner, include test items that require the student to
150 produce information or perform tasks in such a way that the core
151 content knowledge and skills he or she uses can be measured.

152 5. FCAT Reading, Mathematics, and Science and all
153 statewide, standardized end-of-course assessments shall measure
154 the content knowledge and skills a student has attained on the
155 assessment by the use of scaled scores and achievement levels.
156 Achievement levels shall range from 1 through 5, with level 1
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157 being the lowest achievement level, level 5 being the highest
158 achievement level, and level 3 indicating satisfactory
159 performance on an assessment. For purposes of FCAT Writing,
160 student achievement shall be scored using a scale of 1 through 6
161 and the score earned shall be used in calculating school grades.
162 A score shall be designated for each subject area tested, below
163 which score a student's performance is deemed inadequate. The
164 school districts shall provide appropriate remedial instruction
165 to students who score below these levels.

166 6. The State Board of Education shall, by rule, designate
167 a passing score for each part of the grade 10 assessment test
168 and end-of-course assessments. Any rule that has the effect of
169 raising the required passing scores may apply only to students
170 taking the assessment for the first time after the rule is
171 adopted by the State Board of Education. Except as otherwise
172 provided in this subparagraph and as provided in s.

173 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a
174 passing score on grade 10 FCAT Reading and grade 10 FCAT
175 Mathematics or attain concordant scores as described in
176 subsection (10) in order to qualify for a standard high school
177 diploma.

178 7. In addition to designating a passing score under
179 subparagraph 6., the State Board of Education shall also
180 designate, by rule, a score for each statewide, standardized
181 end-of-course assessment which indicates that a student is high
182 achieving and has the potential to meet college-readiness
183 standards by the time the student graduates from high school.

184 8. Participation in the testing program is mandatory for
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185 all students attending public school, including students served
186 in Department of Juvenile Justice programs, except as otherwise
187 prescribed by the commissioner. A student who has not earned
188 passing scores on the grade 10 FCAT as provided in subparagraph
189 6. must participate in each retake of the assessment until the
190 student earns passing scores or achieves scores on a
191 standardized assessment which are concordant with passing scores
192 pursuant to subsection (10). If a student does not participate
193 in the statewide assessment, the district must notify the
194 student's parent and provide the parent with information
195 regarding the implications of such nonparticipation. A parent
196 must provide signed consent for a student to receive classroom
197 instructional accommodations that would not be available or
198 permitted on the statewide assessments and must acknowledge in
199 writing that he or she understands the implications of such
200 instructional accommodations. The State Board of Education shall
201 adopt rules, based upon recommendations of the commissioner, for
202 the provision of test accommodations for students in exceptional
203 education programs and for students who have limited English
204 proficiency. Accommodations that negate the validity of a
205 statewide assessment are not allowable in the administration of
206 the FCAT or an end-of-course assessment. However, instructional
207 accommodations are allowable in the classroom if included in a
208 student's individual education plan. Students using
209 instructional accommodations in the classroom that are not
210 allowable as accommodations on the FCAT or an end-of-course
211 assessment may have the FCAT or an end-of-course assessment
212 requirement waived pursuant to the requirements of s.

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213 1003.428(8)(b) or s. 1003.43(11)(b).

214 9. A student seeking an adult high school diploma must
215 meet the same testing requirements that a regular high school
216 student must meet.

217 10. District school boards must provide instruction to
218 prepare students in the core curricular content established in
219 the Next Generation Sunshine State Standards adopted under s.
220 1003.41, including the core content knowledge and skills
221 necessary for successful grade-to-grade progression and high
222 school graduation. If a student is provided with instructional
223 accommodations in the classroom that are not allowable as
224 accommodations in the statewide assessment program, as described
225 in the test manuals, the district must inform the parent in
226 writing and must provide the parent with information regarding
227 the impact on the student's ability to meet expected performance
228 levels in reading, writing, mathematics, and science. The
229 commissioner shall conduct studies as necessary to verify that
230 the required core curricular content is part of the district
231 instructional programs.

232 11. District school boards must provide opportunities for
233 students to demonstrate an acceptable performance level on an
234 alternative standardized assessment approved by the State Board
235 of Education following enrollment in summer academies.

236 12. The Department of Education must develop, or select,
237 and implement a common battery of assessment tools that will be
238 used in all juvenile justice programs in the state. These tools
239 must accurately measure the core curricular content established
240 in the Next Generation Sunshine State Standards.

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241 13. For students seeking a special diploma pursuant to s.
242 1003.438, the Department of Education must develop or select and
243 implement an alternate assessment tool that accurately measures
244 the core curricular content established in the Next Generation
245 Sunshine State Standards for students with disabilities under s.
246 1003.438.

247 14. The Commissioner of Education shall establish
248 schedules for the administration of statewide assessments and
249 the reporting of student test results. When establishing the
250 schedules for the administration of statewide assessments, the
251 commissioner shall consider the observance of religious and
252 school holidays. The commissioner shall, by August 1 of each
253 year, notify each school district in writing and publish on the
254 department's Internet website the testing and reporting
255 schedules for, at a minimum, the school year following the
256 upcoming school year. The testing and reporting schedules shall
257 require that:

258 a. There is the latest possible administration of
259 statewide assessments and the earliest possible reporting to the
260 school districts of student test results which is feasible
261 within available technology and specific appropriations;
262 however, test results for the FCAT must be made available no
263 later than the week of June 8. Student results for end-of-course
264 assessments must be provided no later than 1 week after the
265 school district completes testing for each course.

266 b. Beginning with the 2010-2011 school year, FCAT Writing
267 is not administered earlier than the week of March 1 and a
268 comprehensive statewide assessment of any other subject is not
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269 administered earlier than the week of April 15.

270 c. A statewide, standardized end-of-course assessment is
271 administered during a 3-week period at the end of the course.
272 The commissioner shall select a 3-week administration period for
273 assessments that meets the intent of end-of-course assessments
274 and provides student results prior to the end of the course.
275 School districts shall select 1 testing week within the 3-week
276 administration period for each end-of-course assessment. For an
277 end-of-course assessment administered at the end of the first
278 semester, the commissioner shall determine the most appropriate
279 testing dates based on a school district's academic calendar.

280

281 The commissioner may, based on collaboration and input from
282 school districts, design and implement student testing programs,
283 for any grade level and subject area, necessary to effectively
284 monitor educational achievement in the state, including the
285 measurement of educational achievement of the Next Generation
286 Sunshine State Standards for students with disabilities.
287 Development and refinement of assessments shall include
288 universal design principles and accessibility standards that
289 will prevent any unintended obstacles for students with
290 disabilities while ensuring the validity and reliability of the
291 test. These principles should be applicable to all technology
292 platforms and assistive devices available for the assessments.
293 The field testing process and psychometric analyses for the
294 statewide assessment program must include an appropriate
295 percentage of students with disabilities and an evaluation or
296 determination of the effect of test items on such students.

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297 Section 21. The Department of Education shall review the
298 sections of law scheduled for repeal by this act and, if the
299 department's determination is that any section or portion
300 thereof should not be repealed, the department shall make such
301 recommendation to the Governor, the President of the Senate, and
302 the Speaker of the House of Representatives by January 1, 2013.

303 Section 22. Except as otherwise expressly provided in this
304 act and except for this section, which shall take effect upon
305 becoming a law, this act shall take effect July 1, 2013.

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

310 Remove line 42 and insert:
311 assessment during the 2010-2011 school year; requiring the
312 Department of Education to review the sections repealed by this
313 act and make recommendations to the Governor and the Legislature
314 regarding such repeal; providing