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LEGISLATIVE ACTION

Senate

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House

Senator Bullard moved the following:

1 **Senate Amendment to Amendment (454806) (with title**
2 **amendment)**

3
4 Between lines 1530 and 1531
5 insert:

6 Section 9. Subsection (3) of section 1008.22, Florida
7 Statutes, is amended to read:

8 1008.22 Student assessment program for public schools.—

9 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
10 Commissioner of Education shall design and implement a
11 statewide, standardized assessment program aligned to the core



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12 curricular content established in the Next Generation Sunshine
13 State Standards. The commissioner also must develop or select
14 and implement a common battery of assessment tools that will be
15 used in all juvenile justice education programs in the state.
16 These tools must accurately measure the core curricular content
17 established in the Next Generation Sunshine State Standards.
18 Participation in the assessment program is mandatory for all
19 school districts and all students attending public schools,
20 including students seeking an adult high school diploma and
21 students in Department of Juvenile Justice education programs,
22 except as otherwise prescribed by the commissioner. If a student
23 does not participate in the assessment program, the school
24 district must notify the student's parent and provide the parent
25 with information regarding the implications of such
26 nonparticipation. Parents of students in grades 3 through 10 may
27 choose to have their child take one of the nationally norm-
28 referenced tests identified by the Department of Education or
29 the statewide assessments pursuant this section. The statewide,
30 standardized assessment program shall be designed and
31 implemented as follows:

32 (a) *Florida Comprehensive Assessment Test (FCAT) until*
33 *replaced by common core assessments.*—FCAT Reading shall be
34 administered annually in grades 3 through 10; FCAT Mathematics
35 shall be administered annually in grades 3 through 8; FCAT
36 Writing shall be administered annually at least once at the
37 elementary, middle, and high school levels; and FCAT Science
38 shall be administered annually at least once at the elementary
39 and middle grades levels. A student who has not earned a passing
40 score on grade 10 FCAT Reading must participate in each retake



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41 of the assessment until the student earns a passing score. The
42 commissioner shall recommend and the State Board of Education
43 must adopt a score on both the SAT and ACT that is concordant to
44 a passing score on grade 10 FCAT Reading that, if achieved by a
45 student, meets the must-pass requirement for grade 10 FCAT
46 Reading.

47 (b) *End-of-course (EOC) assessments.*—EOC assessments must
48 be statewide, standardized, and developed or approved by the
49 Department of Education as follows:

50 1. Statewide, standardized EOC assessments in mathematics
51 shall be administered according to this subparagraph. Beginning
52 with the 2010-2011 school year, all students enrolled in Algebra
53 I must take the Algebra I EOC assessment. Except as otherwise
54 provided in this section, beginning with students entering grade
55 9 in the 2011-2012 school year, a student who is enrolled in
56 Algebra I must earn a passing score on the Algebra I EOC
57 assessment or attain a comparative score as authorized under
58 subsection (8) in order to earn a standard high school diploma.
59 A student who has not earned a passing score on the Algebra I
60 EOC assessment must participate in each retake of the assessment
61 until the student earns a passing score. Beginning with the
62 2011-2012 school year, all students enrolled in geometry must
63 take the Geometry EOC assessment. Middle grades students
64 enrolled in Algebra I or geometry must take the statewide,
65 standardized EOC assessment for those courses and are not
66 required to take the corresponding grade-level FCAT.

67 2. Statewide, standardized EOC assessments in science shall
68 be administered according to this subparagraph. Beginning with
69 the 2011-2012 school year, all students enrolled in Biology I



70 must take the Biology I EOC assessment.

71 3. During the 2012-2013 school year, an EOC assessment in
72 civics education shall be administered as a field test at the
73 middle grades level. Beginning with the 2013-2014 school year,
74 each student's performance on the statewide, standardized EOC
75 assessment in civics education constitutes 30 percent of the
76 student's final course grade.

77 4. The commissioner may select one or more nationally
78 developed comprehensive examinations, which may include
79 examinations for a College Board Advanced Placement course,
80 International Baccalaureate course, or Advanced International
81 Certificate of Education course, or industry-approved
82 examinations to earn national industry certifications identified
83 in the Industry Certification Funding List, for use as EOC
84 assessments under this paragraph if the commissioner determines
85 that the content knowledge and skills assessed by the
86 examinations meet or exceed the grade-level expectations for the
87 core curricular content established for the course in the Next
88 Generation Sunshine State Standards. Use of any such examination
89 as an EOC assessment must be approved by the state board.

90 5. Contingent upon funding provided in the General
91 Appropriations Act, including the appropriation of funds
92 received through federal grants, the commissioner may establish
93 an implementation schedule for the development and
94 administration of additional statewide, standardized EOC
95 assessments that must be approved by the state board. If
96 approved by the state board, student performance on such
97 assessments constitutes 30 percent of a student's final course
98 grade.



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99 6. All statewide, standardized EOC assessments must be
100 administered online except as otherwise provided in paragraph
101 (c).

102 (c) *Students with disabilities; Florida Alternate*
103 *Assessment.*—

104 1. Each district school board must provide instruction to
105 prepare students with disabilities in the core content knowledge
106 and skills necessary for successful grade-to-grade progression
107 and high school graduation.

108 2. A student with a disability, as defined in s.
109 1007.02(2), for whom the individual education plan (IEP) team
110 determines that the statewide, standardized assessments under
111 this section cannot accurately measure the student's abilities,
112 taking into consideration all allowable accommodations, shall
113 have assessment results waived for the purpose of receiving a
114 course grade and a standard high school diploma. Such waiver
115 shall be designated on the student's transcript.

116 3. The State Board of Education shall adopt rules, based
117 upon recommendations of the commissioner, for the provision of
118 assessment accommodations for students with disabilities and for
119 students who have limited English proficiency.

120 a. Accommodations that negate the validity of a statewide,
121 standardized assessment are not allowed during the
122 administration of the assessment. However, instructional
123 accommodations are allowed in the classroom if identified in a
124 student's IEP. Students using instructional accommodations in
125 the classroom that are not allowed on a statewide, standardized
126 assessment may have assessment results waived if the IEP team
127 determines that the assessment cannot accurately measure the



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128 student's abilities.

129 b. If a student is provided with instructional
130 accommodations in the classroom that are not allowed as
131 accommodations for statewide, standardized assessments, the
132 district must inform the parent in writing and provide the
133 parent with information regarding the impact on the student's
134 ability to meet expected performance levels. A parent must
135 provide signed consent for a student to receive classroom
136 instructional accommodations that would not be available or
137 permitted on a statewide, standardized assessment and
138 acknowledge in writing that he or she understands the
139 implications of such instructional accommodations.

140 c. If a student's IEP states that online administration of
141 a statewide, standardized assessment will significantly impair
142 the student's ability to perform, the assessment shall be
143 administered in hard copy.

144 4. For students with significant cognitive disabilities,
145 the Department of Education shall provide for implementation of
146 the Florida Alternate Assessment to accurately measure the core
147 curricular content established in the Next Generation Sunshine
148 State Standards.

149 (d) *Common core assessments in English Language Arts (ELA)*
150 *and mathematics.*—

151 1. Contingent upon funding, common core assessments in ELA
152 shall be administered to students in grades 3 through 11. Retake
153 opportunities for the grade 10 assessment must be provided.
154 Students taking the ELA assessments are not required to take the
155 assessments in FCAT Reading or FCAT Writing. Common core ELA
156 assessments shall be administered online.



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157 2. Contingent upon funding, common core assessments in
158 mathematics shall be administered to all students in grades 3
159 through 8, and common core assessments in Algebra I, geometry,
160 and Algebra II shall be administered to students enrolled in
161 those courses. Retake opportunities must be provided for the
162 Algebra I assessment. Students may take the common core
163 mathematics assessments pursuant to the Credit Acceleration
164 Program (CAP) under s. 1003.4295(3). Students taking common core
165 assessments in mathematics are not required to take FCAT
166 Mathematics or statewide, standardized EOC assessments in
167 mathematics. Common core mathematics assessments shall be
168 administered online.

169 3. The State Board of Education shall adopt rules
170 establishing an implementation schedule to transition from FCAT
171 Reading, FCAT Writing, FCAT Mathematics, and Algebra I and
172 Geometry EOC assessments to common core assessments in English
173 Language Arts and mathematics. The schedule must take into
174 consideration funding, sufficient field and baseline data,
175 access to assessments, instructional alignment, and school
176 district readiness to administer the common core assessments
177 online. Until the 10th grade common core ELA and Algebra I
178 assessments become must-pass assessments, students must pass
179 10th grade FCAT Reading and the Algebra I EOC assessment, or
180 achieve a concordant or comparative score as authorized under
181 this section, in order to earn a standard high school diploma
182 under s. 1003.4282. Students taking 10th grade FCAT Reading or
183 the Algebra I EOC assessment are not required to take the
184 respective common core assessments.

185 4. The Department of Education shall publish minimum and



186 recommended technology requirements that include specifications
187 for hardware, software, networking, security, and broadband
188 capacity to facilitate school district compliance with the
189 requirement that common core assessments be administered online.

190 (e) *Assessment scores and achievement levels.*—

191 1. All statewide, standardized EOC assessments and FCAT
192 Reading, FCAT Writing, and FCAT Science shall use scaled scores
193 and achievement levels. Achievement levels shall range from 1
194 through 5, with level 1 being the lowest achievement level,
195 level 5 being the highest achievement level, and level 3
196 indicating satisfactory performance on an assessment. For
197 purposes of FCAT Writing, student achievement shall be scored
198 using a scale of 1 through 6.

199 2. The state board shall designate by rule a passing score
200 for each statewide, standardized EOC and FCAT assessment. In
201 addition, the state board shall designate a score for each
202 statewide, standardized EOC assessment that indicates that a
203 student is high achieving and has the potential to meet college-
204 readiness standards by the time the student graduates from high
205 school.

206 3. If the commissioner seeks to revise a statewide,
207 standardized assessment and the revisions require the state
208 board to modify performance level scores, including the passing
209 score, the commissioner shall provide a copy of the proposed
210 scores and implementation plan to the President of the Senate
211 and the Speaker of the House of Representatives at least 90 days
212 before submission to the state board for review. Until the state
213 board adopts the modifications by rule, the commissioner shall
214 use calculations for scoring the assessment that adjust student



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215 scores on the revised assessment for statistical equivalence to
216 student scores on the former assessment. The state board shall
217 adopt by rule the passing score for the revised assessment that
218 is statistically equivalent to the passing score on the
219 discontinued assessment for a student who is required to attain
220 a passing score on the discontinued assessment. The commissioner
221 may, with approval of the state board, discontinue
222 administration of the former assessment upon the graduation,
223 based on normal student progression, of students participating
224 in the final regular administration of the former assessment. If
225 the commissioner revises a statewide, standardized assessment
226 and the revisions require the state board to modify the passing
227 score, only students taking the assessment for the first time
228 after the rule is adopted are affected.

229 (f) *Assessment schedules and reporting of results.*—The
230 Commissioner of Education shall establish schedules for the
231 administration of assessments and the reporting of student
232 assessment results. The commissioner shall consider the
233 observance of religious and school holidays when developing the
234 schedule. By August 1 of each year, the commissioner shall
235 notify each school district in writing and publish on the
236 department's website the assessment and reporting schedules for,
237 at a minimum, the school year following the upcoming school
238 year. The assessment and reporting schedules must provide the
239 earliest possible reporting of student assessment results to the
240 school districts. Assessment results for FCAT Reading and FCAT
241 Mathematics must be made available no later than the week of
242 June 8. The administration of FCAT Writing and the Florida
243 Alternate Assessment may be no earlier than the week of March 1.



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244 School districts shall administer assessments in accordance with
245 the schedule established by the commissioner.

246 (g) *Prohibited activities.*—A district school board shall
247 prohibit each public school from suspending a regular program of
248 curricula for purposes of administering practice assessments or
249 engaging in other assessment-preparation activities for a
250 statewide, standardized assessment. However, a district school
251 board may authorize a public school to engage in the following
252 assessment-preparation activities:

253 1. Distributing to students sample assessment books and
254 answer keys published by the Department of Education.

255 2. Providing individualized instruction in assessment-
256 taking strategies, without suspending the school's regular
257 program of curricula, for a student who scores Level 1 or Level
258 2 on a prior administration of an assessment.

259 3. Providing individualized instruction in the content
260 knowledge and skills assessed, without suspending the school's
261 regular program of curricula, for a student who scores Level 1
262 or Level 2 on a prior administration of an assessment or a
263 student who, through a diagnostic assessment administered by the
264 school district, is identified as having a deficiency in the
265 content knowledge and skills assessed.

266 4. Administering a practice assessment or engaging in other
267 assessment-preparation activities that are determined necessary
268 to familiarize students with the organization of the assessment,
269 the format of assessment items, and the assessment directions or
270 that are otherwise necessary for the valid and reliable
271 administration of the assessment, as set forth in rules adopted
272 by the State Board of Education with specific reference to this



273 paragraph.

274 (h) *Contracts for assessments.*—The commissioner shall
275 provide for the assessments to be developed or obtained, as
276 appropriate, through contracts and project agreements with
277 private vendors, public vendors, public agencies, postsecondary
278 educational institutions, or school districts. The commissioner
279 may enter into contracts for the continued administration of the
280 assessments authorized and funded by the Legislature. Contracts
281 may be initiated in 1 fiscal year and continue into the next
282 fiscal year and may be paid from the appropriations of either or
283 both fiscal years. The commissioner may negotiate for the sale
284 or lease of tests, scoring protocols, test scoring services, and
285 related materials developed pursuant to law.

286

287 ===== T I T L E A M E N D M E N T =====

288 And the title is amended as follows:

289 Delete line 1898

290 and insert:

291 instructional personnel; amending s. 1008.22, F.S.;

292 authorizing parents of students in grades 3 through 10

293 to choose to have their child take one of the

294 nationally norm-referenced tests identified by the

295 Department of Education or certain statewide

296 assessments; amending s. 1008.25, F.S.;