

By Senator Bullard

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1 A bill to be entitled
2 An act relating to assessments and accountability;
3 amending s. 1008.22, F.S.; revising the student
4 assessment program for public schools; authorizing a
5 school district to select certain assessments to
6 administer instead of the statewide, standardized
7 assessments; providing for funding of the assessments;
8 requiring the Commissioner of Education to develop and
9 maintain a list of assessments from which a school
10 district may choose; providing that school districts,
11 including instructional personnel, and students shall
12 not be negatively impacted under certain
13 circumstances; exempting certain students from
14 participation in the statewide, standardized
15 assessment program; requiring the commissioner to
16 determine percentile rankings for the listed
17 assessments to correspond to achievement levels;
18 providing for the administration of paper-based
19 assessments under certain circumstances; amending s.
20 1008.34, F.S.; revising definitions relating to the
21 school grading system to include the district-
22 selected, national, norm-referenced assessment
23 program; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsection (3) of section 1008.22, Florida
28 Statutes, is amended to read:

29 1008.22 Student assessment program for public schools.—

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30 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
31 Commissioner of Education shall design and implement a
32 statewide, standardized assessment program aligned to the core
33 curricular content established in the Next Generation Sunshine
34 State Standards. The commissioner also must develop or select
35 and implement a common battery of assessment tools that will be
36 used in all juvenile justice education programs in the state.
37 These tools must accurately measure the core curricular content
38 established in the Next Generation Sunshine State Standards.
39 ~~Participation in the assessment program is mandatory for all~~
40 ~~school districts and all students attending public schools,~~
41 ~~including adult students seeking a standard high school diploma~~
42 ~~under s. 1003.4282 and students in Department of Juvenile~~
43 ~~Justice education programs, except as otherwise provided by law.~~
44 ~~If a student does not participate in the assessment program, the~~
45 ~~school district must notify the student's parent and provide the~~
46 ~~parent with information regarding the implications of such~~
47 ~~nonparticipation.~~ The statewide, standardized assessment program
48 shall be designed and implemented as follows:

49 (a) 1. *Statewide, standardized comprehensive assessments.*—
50 The statewide, standardized Reading assessment shall be
51 administered annually in grades 3 through 10. The statewide,
52 standardized Writing assessment shall be administered annually
53 at least once at the elementary, middle, and high school levels.
54 When the Reading and Writing assessments are replaced by English
55 Language Arts (ELA) assessments, ELA assessments shall be
56 administered to students in grades 3 through 11. Retake
57 opportunities for the grade 10 Reading assessment or, upon
58 implementation, the grade 10 ELA assessment must be provided.

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59 Students taking the ELA assessments shall not take the
60 statewide, standardized assessments in Reading or Writing. ELA
61 assessments shall be administered online. The statewide,
62 standardized Mathematics assessments shall be administered
63 annually in grades 3 through 8. Students taking a revised
64 Mathematics assessment shall not take the discontinued
65 assessment. The statewide, standardized Science assessment shall
66 be administered annually at least once at the elementary and
67 middle grades levels. In order to earn a standard high school
68 diploma, a student who has not earned a passing score on the
69 grade 10 Reading assessment or, upon implementation, the grade
70 10 ELA assessment must earn a passing score on the assessment
71 retake or earn a concordant score as authorized under subsection
72 (7). If a school district does not wish to administer the
73 statewide, standardized assessments online, the department shall
74 provide for the assessments to be administered in a paper-based
75 format.

76 2.a. If a school district does not wish to participate in
77 the statewide, standardized assessment program, the district may
78 choose to annually administer an English Language Arts national,
79 norm-referenced assessment for students in grades 3 through 11;
80 annually administer a mathematics national, norm-referenced
81 assessment for students in grades 3 through 8; and administer a
82 science national, norm-referenced assessment once for students
83 at the elementary school level and once for students at the
84 middle school level. If a district does not wish to administer
85 the national, norm-referenced assessments online, the district
86 shall administer paper-based assessments. Funds designated for
87 the statewide, standardized assessment program must be used to

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88 procure and administer the district-selected, national, norm-
89 referenced assessment. The Commissioner of Education shall
90 maintain a list of pre-2009 national, norm-referenced
91 assessments identified pursuant to s. 1002.395. A district,
92 including instructional personnel, may not be negatively
93 impacted for not participating in the statewide, standardized
94 assessment program, including, but not limited to, negative
95 implications regarding district and school grades and personnel
96 evaluations.

97 b. All students attending public schools, including adult
98 students seeking a standard high school diploma under s.
99 1003.4282 and students in Department of Juvenile Justice
100 education programs, except as otherwise provided by law, are
101 expected to participate in the statewide, standardized
102 assessment program or the district-selected assessment program.
103 However, a student is not required to participate in a program
104 if the student:

105 (I) Has a medically certified severe cognitive impairment;
106 (II) Has a certified medical complexity; or
107 (III) Has been exempted by written request of his or her
108 parent or, if the student is an adult student, by his or her
109 written request. A parent who opts to exempt his or her child
110 from participation in the statewide, standardized assessment
111 program or the district-selected assessment program, or an adult
112 student who opts to exempt himself or herself from participation
113 in either program, must make arrangements for his or her child,
114 or himself or herself, to take a national, norm-referenced
115 assessment included on the commissioner's list in a neighboring
116 school district that has chosen not to administer the statewide,

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117 standardized assessments, or at a local private school that
118 administers one of the district-selected, national, norm-
119 referenced assessments, or to have a certified educator
120 administer the national, norm-referenced assessment to his or
121 her child, or himself or herself. A student or district,
122 including instructional personnel, may not be negatively
123 impacted if the student does not participate in the statewide,
124 standardized assessment program or the district-selected
125 assessment program, including, but not limited to, negative
126 implications regarding district and school grades and personnel
127 evaluations.

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

131 1. Statewide, standardized EOC assessments in mathematics
132 shall be administered according to this subparagraph. Beginning
133 with the 2010-2011 school year, all students enrolled in Algebra
134 I must take the Algebra I EOC assessment. Except as otherwise
135 provided in paragraph (c), beginning with students entering
136 grade 9 in the 2011-2012 school year, a student who is enrolled
137 in Algebra I must earn a passing score on the Algebra I EOC
138 assessment or attain a comparative score as authorized under
139 subsection (8) in order to earn a standard high school diploma.
140 In order to earn a standard high school diploma, a student who
141 has not earned a passing score on the Algebra I EOC assessment
142 must earn a passing score on the assessment retake or a
143 comparative score as authorized under subsection (8). Beginning
144 with the 2011-2012 school year, all students enrolled in
145 Geometry must take the Geometry EOC assessment. Middle grades

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146 students enrolled in Algebra I, Geometry, or Biology I must take
147 the statewide, standardized EOC assessment for those courses and
148 shall not take the corresponding subject and grade-level
149 statewide, standardized assessment. When a statewide,
150 standardized EOC assessment in Algebra II is administered, all
151 students enrolled in Algebra II must take the EOC assessment.
152 Pursuant to the commissioner's implementation schedule, student
153 performance on the Algebra II EOC assessment constitutes 30
154 percent of a student's final course grade.

155 2. Statewide, standardized EOC assessments in science shall
156 be administered according to this subparagraph. Beginning with
157 the 2011-2012 school year, all students enrolled in Biology I
158 must take the Biology I EOC assessment. Beginning with students
159 entering grade 9 in the 2013-2014 school year, performance on
160 the Biology I EOC assessment constitutes 30 percent of the
161 student's final course grade.

162 3. Beginning with the 2013-2014 school year, each student's
163 performance on the statewide, standardized middle grades Civics
164 EOC assessment constitutes 30 percent of the student's final
165 course grade in civics education.

166 4. The commissioner may select one or more nationally
167 developed comprehensive examinations, which may include
168 examinations for a College Board Advanced Placement course,
169 International Baccalaureate course, or Advanced International
170 Certificate of Education course, or industry-approved
171 examinations to earn national industry certifications identified
172 in the Industry Certification Funding List, for use as EOC
173 assessments under this paragraph if the commissioner determines
174 that the content knowledge and skills assessed by the

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175 examinations meet or exceed the grade-level expectations for the
176 core curricular content established for the course in the Next
177 Generation Sunshine State Standards. Use of any such examination
178 as an EOC assessment must be approved by the state board in
179 rule.

180 5. Contingent upon funding provided in the General
181 Appropriations Act, including the appropriation of funds
182 received through federal grants, the commissioner may establish
183 an implementation schedule for the development and
184 administration of additional statewide, standardized EOC
185 assessments that must be approved by the state board in rule. If
186 approved by the state board, student performance on such
187 assessments constitutes 30 percent of a student's final course
188 grade.

189 6. All statewide, standardized EOC assessments must be
190 administered online except as otherwise provided in paragraph
191 (c) or if a school district does not wish to administer the
192 statewide, standardized EOC assessments online. If a district
193 does not wish to administer the statewide, standardized EOC
194 assessments online, the department shall provide for the
195 assessments to be administered in a paper-based format.

196 (c) *Students with disabilities; Florida Alternate*
197 *Assessment.*—

198 1. Each district school board must provide instruction to
199 prepare students with disabilities in the core content knowledge
200 and skills necessary for successful grade-to-grade progression
201 and high school graduation.

202 2. A student with a disability, as defined in s. 1007.02,
203 for whom the individual education plan (IEP) team determines

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204 that the statewide, standardized assessments under this section
205 cannot accurately measure the student's abilities, taking into
206 consideration all allowable accommodations, shall have
207 assessment results waived for the purpose of receiving a course
208 grade and a standard high school diploma. Such waiver shall be
209 designated on the student's transcript. The statement of waiver
210 shall be limited to a statement that performance on an
211 assessment was waived for the purpose of receiving a course
212 grade or a standard high school diploma, as applicable.

213 3. The State Board of Education shall adopt rules, based
214 upon recommendations of the commissioner, for the provision of
215 assessment accommodations for students with disabilities and for
216 students who have limited English proficiency.

217 a. Accommodations that negate the validity of a statewide,
218 standardized assessment are not allowed during the
219 administration of the assessment. However, instructional
220 accommodations are allowed in the classroom if identified in a
221 student's IEP. Students using instructional accommodations in
222 the classroom that are not allowed on a statewide, standardized
223 assessment may have assessment results waived if the IEP team
224 determines that the assessment cannot accurately measure the
225 student's abilities.

226 b. If a student is provided with instructional
227 accommodations in the classroom that are not allowed as
228 accommodations for statewide, standardized assessments, the
229 district must inform the parent in writing and provide the
230 parent with information regarding the impact on the student's
231 ability to meet expected performance levels. A parent must
232 provide signed consent for a student to receive classroom

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233 instructional accommodations that would not be available or
234 permitted on a statewide, standardized assessment and
235 acknowledge in writing that he or she understands the
236 implications of such instructional accommodations.

237 c. If a student's IEP states that online administration of
238 a statewide, standardized assessment will significantly impair
239 the student's ability to perform, the assessment shall be
240 administered in hard copy.

241 4. For students with significant cognitive disabilities,
242 the Department of Education shall provide for implementation of
243 the Florida Alternate Assessment to accurately measure the core
244 curricular content established in the Next Generation Sunshine
245 State Standards.

246 (d) *Implementation schedule.*—

247 1. The Commissioner of Education shall establish and
248 publish on the department's website an implementation schedule
249 to transition from the statewide, standardized Reading and
250 Writing assessments to the ELA assessments and to the revised
251 Mathematics assessments, including the Algebra I and Geometry
252 EOC assessments. The schedule must take into consideration
253 funding, sufficient field and baseline data, access to
254 assessments, instructional alignment, and school district
255 readiness to administer the assessments online.

256 2. The Department of Education shall publish minimum and
257 recommended technology requirements that include specifications
258 for hardware, software, networking, security, and broadband
259 capacity to facilitate school district compliance with the
260 requirement that assessments be administered online.

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

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262 1. All statewide, standardized EOC assessments and Reading,
263 Writing, and Science assessments shall use scaled scores and
264 achievement levels. Achievement levels shall range from 1
265 through 5, with level 1 being the lowest achievement level,
266 level 5 being the highest achievement level, and level 3
267 indicating satisfactory performance on an assessment. For
268 purposes of the statewide, standardized Writing assessment,
269 student achievement shall be scored using a scale of 1 through
270 6. The Commissioner of Education shall determine percentile
271 scores that correspond to each of the five achievement levels
272 for each of the national, norm-referenced assessments from which
273 a school district may choose.

274 2. The state board shall designate by rule a passing score
275 for each statewide, standardized assessment.

276 3. If the commissioner seeks to revise a statewide,
277 standardized assessment and the revisions require the state
278 board to modify performance level scores, including the passing
279 score, the commissioner shall provide a copy of the proposed
280 scores and implementation plan to the President of the Senate
281 and the Speaker of the House of Representatives at least 90 days
282 before submission to the state board for review. Until the state
283 board adopts the modifications by rule, the commissioner shall
284 use calculations for scoring the assessment that adjust student
285 scores on the revised assessment for statistical equivalence to
286 student scores on the former assessment. The state board shall
287 adopt by rule the passing score for the revised assessment that
288 is statistically equivalent to the passing score on the
289 discontinued assessment for a student who is required to attain
290 a passing score on the discontinued assessment. The commissioner

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291 may, with approval of the state board, discontinue
292 administration of the former assessment upon the graduation,
293 based on normal student progression, of students participating
294 in the final regular administration of the former assessment. If
295 the commissioner revises a statewide, standardized assessment
296 and the revisions require the state board to modify the passing
297 score, only students taking the assessment for the first time
298 after the rule is adopted are affected.

299 (f) *Assessment schedules and reporting of results.*—The
300 Commissioner of Education shall establish schedules for the
301 administration of assessments and the reporting of student
302 assessment results. The commissioner shall consider the
303 observance of religious and school holidays when developing the
304 schedule. By August 1 of each year, the commissioner shall
305 notify each school district in writing and publish on the
306 department's website the assessment and reporting schedules for,
307 at a minimum, the school year following the upcoming school
308 year. The assessment and reporting schedules must provide the
309 earliest possible reporting of student assessment results to the
310 school districts. Assessment results for the statewide,
311 standardized Reading assessments, or upon implementation the ELA
312 assessments, and Mathematics assessments, including the EOC
313 assessments in Algebra I and Geometry, must be made available no
314 later than the week of June 8. The administration of the
315 statewide, standardized Writing assessment and the Florida
316 Alternate Assessment may be no earlier than the week of March 1.
317 School districts shall administer assessments in accordance with
318 the schedule established by the commissioner.

319 (g) *Prohibited activities.*—A district school board shall

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320 prohibit each public school from suspending a regular program of
321 curricula for purposes of administering practice assessments or
322 engaging in other assessment-preparation activities for a
323 statewide, standardized assessment. However, a district school
324 board may authorize a public school to engage in the following
325 assessment-preparation activities:

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

328 2. Providing individualized instruction in assessment-
329 taking strategies, without suspending the school's regular
330 program of curricula, for a student who scores Level 1 or Level
331 2 on a prior administration of an assessment.

332 3. Providing individualized instruction in the content
333 knowledge and skills assessed, without suspending the school's
334 regular program of curricula, for a student who scores Level 1
335 or Level 2 on a prior administration of an assessment or a
336 student who, through a diagnostic assessment administered by the
337 school district, is identified as having a deficiency in the
338 content knowledge and skills assessed.

339 4. Administering a practice assessment or engaging in other
340 assessment-preparation activities that are determined necessary
341 to familiarize students with the organization of the assessment,
342 the format of assessment items, and the assessment directions or
343 that are otherwise necessary for the valid and reliable
344 administration of the assessment, as set forth in rules adopted
345 by the State Board of Education with specific reference to this
346 paragraph.

347 (h) *Contracts for assessments.*—The commissioner shall
348 provide for the assessments to be developed or obtained, as

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349 appropriate, through contracts and project agreements with
350 private vendors, public vendors, public agencies, postsecondary
351 educational institutions, or school districts. The commissioner
352 may enter into contracts for the continued administration of the
353 assessments authorized and funded by the Legislature. Contracts
354 may be initiated in 1 fiscal year and continue into the next
355 fiscal year and may be paid from the appropriations of either or
356 both fiscal years. The commissioner may negotiate for the sale
357 or lease of tests, scoring protocols, test scoring services, and
358 related materials developed pursuant to law.

359 Section 2. Subsection (1) of section 1008.34, Florida
360 Statutes, is amended to read:

361 1008.34 School grading system; school report cards;
362 district grade.—

363 (1) DEFINITIONS.—For purposes of the statewide,
364 standardized assessment program; the district-selected,
365 national, norm-referenced assessment program; and the school
366 grading system, the following terms are defined:

367 (a) "Achievement level," "student achievement," or
368 "achievement" describes the level of content mastery a student
369 has acquired in a particular subject as measured by a statewide,
370 standardized assessment or a district-selected, national, norm-
371 referenced assessment administered pursuant to s. 1008.22(3)(a)
372 and (b). There are five achievement levels. Level 1 is the
373 lowest achievement level, level 5 is the highest achievement
374 level, and level 3 indicates satisfactory performance. A student
375 passes an assessment if the student achieves a level 3, level 4,
376 or level 5. The Commissioner of Education shall determine
377 percentile scores that correspond to each of the five

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378 achievement levels for each of the national, norm-referenced
379 assessments from which a school district may choose. For
380 purposes of the Florida Alternate Assessment administered
381 pursuant to s. 1008.22(3)(c), the state board shall provide, in
382 rule, the number of achievement levels and identify the
383 achievement levels that are considered passing.

384 (b) "Learning Gains," "annual learning gains," or "student
385 learning gains" means the degree of student learning growth
386 occurring from one school year to the next as required by state
387 board rule for purposes of calculating school grades under this
388 section.

389 (c) "Student performance," "student academic performance,"
390 or "academic performance" includes, but is not limited to,
391 student learning growth, achievement levels, and Learning Gains
392 on statewide, standardized assessments or district-selected,
393 national, norm-referenced assessments administered pursuant to
394 s. 1008.22.

395 Section 3. This act shall take effect July 1, 2015.