

House Bill No. 23-B

An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; requiring district school superintendents to notify students of the consequences of failure to receive a standard high school diploma; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; directing the Commissioner of Education to approve certain standardized tests if determined to meet certain criteria as equivalents to the FCAT and to permit passage of such tests in lieu of passage of the grade 10 FCAT for students graduating in the 2002-2003 school year; providing for legislative review; providing for retroactive application; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or the 2003 Special Session A of the Legislature; providing an effective date.

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

Section 1. Section 1003.433, Florida Statutes, is created to read:

1003.433 Learning opportunities for out-of-state and out-of-country transfer students and students needing additional instruction to meet high school graduation requirements.—

(1) Students who enter a Florida public school at the eleventh or twelfth grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which he or she is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the grade 10 FCAT required in s. 1008.22(3) or an alternate assessment as described in s. 1008.22(9).

(2) Students who have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or an alternate assessment by the end of grade 12 must be provided the following learning opportunities:

(a) Participation in an accelerated high school equivalency diploma preparation program during the summer.

(b) Upon receipt of a certificate of completion, be allowed to take the College Placement Test and be admitted to remedial or credit courses at a state community college, as appropriate.

(c) Participation in an adult general education program as provided in s. 1004.93 for such time as the student requires to master English, reading, mathematics, or any other subject required for high school graduation. Students attending adult basic, adult secondary, or vocational-preparatory instruction are exempt from any requirement for the payment of tuition and fees, including lab fees, pursuant to s. 1009.25. A student attending an adult general education program shall have the opportunity to take the grade 10 FCAT an unlimited number of times in order to receive a standard high school diploma.

(3) Students who have been enrolled in an ESOL program for less than 2 school years and have met all requirements for the standard high school diploma except for passage of the grade 10 FCAT or alternate assessment may receive immersion English language instruction during the summer following their senior year. Students receiving such instruction are eligible to take the FCAT or alternate assessment and receive a standard high school diploma upon passage of the grade 10 FCAT or the alternate assessment. This subsection shall be implemented to the extent funding is provided in the General Appropriations Act.

(4) The district school superintendent shall be responsible for notifying all students of the consequences of failure to receive a standard high school diploma, including the potential ineligibility for financial assistance at post-secondary educational institutions.

(5) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 2. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, as amended by chapter 2003-8, Laws of Florida, is amended, subsection (9) is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

1008.22 Student assessment program for public schools.—

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

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be

developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

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

5. Except as provided in s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or on an alternate assessment as described in subsection (9) in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 and thereafter shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional

modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

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

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

(9) EQUIVALENCIES FOR STANDARDIZED TESTS.—The Commissioner of Education shall determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military. If such tests are deemed to be valid and reliable measures, the commissioner shall approve the use of such tests as alternate assessments to the grade 10 FCAT for the 2002-2003 school year. Students who attain scores that equate to the passing scores on the grade 10 FCAT for purposes of high school graduation on any of the approved alternative assessments shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.43(5)(a) for the 2002-2003 school year graduating class. Prior to the application of these alternative assessments in subsequent school years, the Legislature shall review the continued use of these alternative tests.

Section 3. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature or at the 2003 Special Session A of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 4. This act shall take effect upon becoming a law and shall apply retroactively with respect to any provision that specifically refers to the 2002-2003 school year.

Approved by the Governor June 20, 2003.

Filed in Office Secretary of State June 20, 2003.