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LEGISLATIVE ACTION

Senate

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House

Senator Bullard moved the following:

Senate Amendment (with title amendment)

Between lines 1612 and 1613

insert:

Section 10. Subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine



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

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



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

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

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

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



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

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

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

98 6. All statewide, standardized EOC assessments must be



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99 administered online except as otherwise provided in paragraph
100 (c).

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

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

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

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

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



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

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

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

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

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

156 2. Contingent upon funding, common core assessments in



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

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

184 4. The Department of Education shall publish minimum and
185 recommended technology requirements that include specifications



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

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

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

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

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



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

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



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244 the schedule established by the commissioner.

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

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

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

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

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



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

285
286 ===== T I T L E A M E N D M E N T =====

287 And the title is amended as follows:

288 Between lines 147 and 148

289 insert:

290 amending s. 1008.22, F.S.; authorizing parents of
291 students in grades 3 through 10 to choose to have
292 their child take one of the nationally norm-referenced
293 tests identified by the Department of Education or
294 certain statewide assessments;