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**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
ANALYSIS**

BILL #: HB 167
RELATING TO: Student Assessment
SPONSOR(S): Representative Lynn
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
- (2) COUNCIL FOR LIFELONG LEARNING
- (3)
- (4)
- (5)

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

I. SUMMARY:

The Florida Comprehensive Assessment Test (FCAT) is part of Florida's overall plan to increase student achievement through higher standards. The FCAT is a combination of norm-referenced and criterion-referenced items that require students to produce information or perform tasks in such a way that the Sunshine State Standards skills and competencies can be measured. The FCAT is administered three times a year. Students in grades three through ten are tested in mathematics and reading.

Students who enrolled in the ninth grade in the fall of 1999 and thereafter must earn a passing score on the tenth grade FCAT in order to qualify for a regular high school diploma.

Scores are reported on a cut-score scale of 100 to 500. Cut-scores are linked to one of five achievement levels, with level one being the lowest level and level five being the highest level. The test score requirements for the 2000-2001 academic year are 287 in reading and 295 in mathematics. The new test score requirements for 2002 and thereafter are 300 in reading and 300 in mathematics.

HB 167 provides that all students who took the tenth grade FCAT during the 2000-2001 academic year and did not earn the passing scores of 287 in reading and 295 in mathematics as required by the State Board of Education for the March 2001 test administration must earn these same scores when retaking the test in order to pass the test, rather than earn the new passing scores of 300 in reading and 300 in mathematics as required by the State Board of Education for the March 2002 and thereafter test administration.

This bill does not appear to have a significant fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

The Florida Comprehensive Assessment Test (FCAT) is part of Florida's overall plan to increase student achievement through higher standards. The FCAT, as specified in s. 229.57(3), F.S., is a combination of norm-referenced and criterion-referenced items that require students to produce information or perform tasks in such a way that the Sunshine State Standards skills and competencies can be measured. The mathematics and reading tests are administered in grades three through ten. Subsection 229.57(6), F.S., specifies that students who enrolled in the ninth grade in the fall of 1999 and thereafter must earn a passing score on the tenth grade FCAT in order to qualify for a regular high school diploma.

According to the Department of Education, the FCAT is administered in March, June, and October of each year. Scores on the FCAT are reported on a cut-score scale of 100 to 500. Cut-scores are linked to one of five achievement levels, with level one being the lowest level and level five being the highest level. For the 2000-2001 school year, the State Board of Education established a passing score of 287 in reading and 295 in mathematics (Rule 6A-1.04922, F.A.C.). Effective February 1, 2002, the State Board of Education increased the passing scores for all students taking the FCAT to 300 in reading and 300 in mathematics (Rule 6A-1.09422, F.A.C.). The increase in score is applicable to all students, including those who are retaking the test because they had previously failed to meet the required test scores.

C. EFFECT OF PROPOSED CHANGES:

HB 167 provides that all students who took the tenth-grade FCAT during the 2000-2001 academic year and did not earn the passing scores of 287 in reading and 295 in mathematics as required by the State Board of Education for the March 2001 test administration must earn these same scores when retaking the test in order to pass the test, rather than earn the new passing scores of 300 in reading and 300 in mathematics as required by the State Board of Education for the March 2002 and thereafter test administration.

According to the Department of Education (DOE), in March 2001, thirty-one percent, or approximately 44,786, of the 144,471 students in tenth grade who took the reading portion of the FCAT did not earn a passing score. Additionally, DOE reports that twenty-five percent, or approximately 36,059, of the 144,236 students in tenth grade who took the mathematics portion of the FCAT did not earn a passing score.

According to DOE, in October 2001, fifty-three percent, or approximately 21,730 of the 41,001 students in eleventh grade who took the reading portion of the FCAT did not earn a passing score. The DOE also reports that in October 2001 fifty-nine percent, or 19,620 of the 33,255 students in eleventh grade who took the mathematics portion of the FCAT did not earn a passing score.

Should the provisions of HB 167 become law, the 21,730 students who failed the reading portion of the FCAT in October 2001 and the 19,620 students who failed the mathematics portion of the FCAT in October 2001 would not be required to earn the new passing scores established by the State Board of Education when retaking the test.

Proponents of the bill may argue that this policy is fair to students who relied on the lower passing scores that were in effect when they initially took the FCAT. They may argue that it is unfair to hold students to a higher standard in the middle of their high school career, especially since they have already taken the exam. However, opponents may argue that the bill's provisions create an unlevelled playing field for similarly situated high school students. For example, two students in the same graduating class, at the same academic level, would have different standards for passing the FCAT if one of the students had previously taken the exam, and one had not.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 229.57(6), F.S., in order to clarify that the grade ten assessment test is the Florida Comprehensive Assessment Test (FCAT) and to establish the passing scores that must be earned by students who failed the tenth grade FCAT during the 2000-2001 school year.

Section 2: Provides that this bill must take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a significant fiscal impact on state revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a significant fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a significant fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The DOE does not anticipate financial costs to schools or to school districts if this bill becomes law. However, the DOE does expect cost implications for its contract with the test support contractor because the test support contractor will have to modify its computer scoring programs in order to identify the date a student first took the FCAT.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This bill does not grant any rule-making authority to any government agency. However, if this bill becomes law, the State Board of Education must amend Rule 6A-1.09422, F.A.C.

C. OTHER COMMENTS:

According to the Department of Education, it is unlikely that the provisions of the bill can be implemented for the tests administered in March 2002 because the computer scoring programs must be modified before the Legislature and the Governor take final action on the bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

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