



857770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2013	.	
	.	
	.	
	.	

---

---

The Committee on Appropriations (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1036 and 1037  
insert:  
Section 19. Section 1008.22, Florida Statutes, is amended  
to read:

(Substantial rewording of section. See  
s. 1008.22, F.S., for present text.)  
1008.22 Student assessment program for public schools.-  
(1) PURPOSE.-The primary purpose of the student assessment  
program is to provide student academic achievement and learning  
gains data to students, parents, teachers, school



857770

13 administrators, and school district staff. This data is to be  
14 used by districts to improve instruction; by students, parents,  
15 and teachers to guide learning objectives; by education  
16 researchers to assess national and international education  
17 comparison data; and by the public to assess the cost benefit of  
18 the expenditure of taxpayer dollars. The program must be  
19 designed to:

20 (a) Assess the achievement level and annual learning gains  
21 of each student in English Language Arts and mathematics and the  
22 achievement level in all other subjects assessed.

23 (b) Provide data for making decisions regarding school  
24 accountability, recognition, and improvement of operations and  
25 management, including schools operating for the purpose of  
26 providing educational services to youth in Department of  
27 Juvenile Justice programs.

28 (c) Identify the educational strengths and needs of  
29 students and the readiness of students to be promoted to the  
30 next grade level or to graduate from high school.

31 (d) Assess how well educational goals and curricular  
32 standards are met at the school, district, state, national, and  
33 international levels.

34 (e) Provide information to aid in the evaluation and  
35 development of educational programs and policies.

36 (2) NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.—  
37 Florida school districts shall participate in the administration  
38 of the National Assessment of Educational Progress, or similar  
39 national or international assessments, both for the national  
40 sample and for any state-by-state comparison programs that may  
41 be initiated, as directed by the Commissioner of Education. The



857770

42 assessments must be conducted using the data collection  
43 procedures, student surveys, educator surveys, and other  
44 instruments included in the National Assessment of Educational  
45 Progress or similar national or international assessments being  
46 administered in Florida. The administration of such assessments  
47 shall be in addition to and separate from the administration of  
48 the statewide, standardized assessments.

49 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
50 Commissioner of Education shall design and implement a  
51 statewide, standardized assessment program aligned to the core  
52 curricular content established in the Next Generation Sunshine  
53 State Standards. The commissioner also must develop or select  
54 and implement a common battery of assessment tools that will be  
55 used in all juvenile justice education programs in the state.  
56 These tools must accurately measure the core curricular content  
57 established in the Next Generation Sunshine State Standards.  
58 Participation in the assessment program is mandatory for all  
59 school districts and all students attending public schools,  
60 including students seeking an adult high school diploma and  
61 students in Department of Juvenile Justice education programs,  
62 except as otherwise prescribed by the commissioner. If a student  
63 does not participate in the assessment program, the school  
64 district must notify the student's parent and provide the parent  
65 with information regarding the implications of such  
66 nonparticipation. The statewide, standardized assessment program  
67 shall be designed and implemented as follows:

68 (a) Florida Comprehensive Assessment Test (FCAT) until  
69 replaced by common core assessments.—FCAT Reading shall be  
70 administered annually in grades 3 through 10; FCAT Mathematics



857770

71 shall be administered annually in grades 3 through 8; FCAT  
72 Writing shall be administered annually at least once at the  
73 elementary, middle, and high school levels; and FCAT Science  
74 shall be administered annually at least once at the elementary  
75 and middle grades levels. A student who has not earned a passing  
76 score on grade 10 FCAT Reading must participate in each retake  
77 of the assessment until the student earns a passing score. The  
78 commissioner shall recommend and the State Board of Education  
79 must adopt a score on both the SAT and ACT which is concordant  
80 to a passing score on grade 10 FCAT Reading which, if achieved  
81 by a student, meets the must-pass requirement for grade 10 FCAT  
82 Reading.

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

86 1. Statewide, standardized EOC assessments in mathematics  
87 shall be administered according to this subparagraph. Beginning  
88 with the 2010-2011 school year, all students enrolled in Algebra  
89 I must take the Algebra I EOC assessment. Except as otherwise  
90 provided in this section, beginning with students entering grade  
91 9 in the 2011-2012 school year, a student who is enrolled in  
92 Algebra I must earn a passing score on the Algebra I EOC  
93 assessment or attain a comparative score as authorized under  
94 subsection (8) in order to earn a standard high school diploma.  
95 A student who has not earned a passing score on the Algebra I  
96 EOC assessment must participate in each retake of the assessment  
97 until the student earns a passing score. Beginning with the  
98 2011-2012 school year, all students enrolled in Geometry must  
99 take the Geometry EOC assessment. Middle grades students



857770

100 enrolled in Algebra I or Geometry must take the statewide,  
101 standardized EOC assessment for those courses and are not  
102 required to take the corresponding grade-level FCAT.

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

107 3. During the 2012-2013 school year, an EOC assessment in  
108 civics education shall be administered as a field test at the  
109 middle grades level. Beginning with the 2013-2014 school year,  
110 each student's performance on the statewide, standardized EOC  
111 assessment in civics education constitutes 30 percent of the  
112 student's final course grade.

113 4. The commissioner may select one or more nationally  
114 developed comprehensive examinations, which may include  
115 examinations for a College Board Advanced Placement course,  
116 International Baccalaureate course, or Advanced International  
117 Certificate of Education course, or industry-approved  
118 examinations to earn national industry certifications identified  
119 in the Industry Certification Funding List, for use as EOC  
120 assessments under this paragraph if the commissioner determines  
121 that the content knowledge and skills assessed by the  
122 examinations meet or exceed the grade-level expectations for the  
123 core curricular content established for the course in the Next  
124 Generation Sunshine State Standards. Use of any such examination  
125 as an EOC assessment must be approved by the state board.

126 5. Contingent upon funding provided in the General  
127 Appropriations Act, including the appropriation of funds  
128 received through federal grants, the commissioner may establish



857770

129 an implementation schedule for the development and  
130 administration of additional statewide, standardized EOC  
131 assessments that must be approved by the state board. If  
132 approved by the state board, student performance on such  
133 assessments constitutes 30 percent of a student's final course  
134 grade.

135 6. All statewide, standardized EOC assessments must be  
136 administered online except as otherwise provided in paragraph  
137 (c).

138 (c) *Students with disabilities; Florida Alternate*  
139 *Assessment.*

140 1. Each district school board must provide instruction to  
141 prepare students with disabilities in the core content knowledge  
142 and skills necessary for successful grade-to-grade progression  
143 and high school graduation.

144 2. A student with a disability, as defined in s.  
145 1007.02(2), for whom the individual education plan (IEP) team  
146 determines that the statewide, standardized assessments under  
147 this section cannot accurately measure the student's abilities,  
148 taking into consideration all allowable accommodations, shall  
149 have assessment results waived for the purpose of receiving a  
150 course grade and a standard high school diploma. Such waiver  
151 shall be designated on the diploma as provided under s.  
152 1003.4285.

153 3. The State Board of Education shall adopt rules, based  
154 upon recommendations of the commissioner, for the provision of  
155 assessment accommodations for students with disabilities and for  
156 students who have limited English proficiency.

157 a. Accommodations that negate the validity of a statewide,



857770

158 standardized assessment are not allowed during the  
159 administration of the assessment. However, instructional  
160 accommodations are allowed in the classroom if identified in a  
161 student's IEP. Students using instructional accommodations in  
162 the classroom which are not allowed on a statewide, standardized  
163 assessment may have assessment results waived if the IEP team  
164 determines that the assessment cannot accurately measure the  
165 student's abilities.

166 b. If a student is provided with instructional  
167 accommodations in the classroom which are not allowed as  
168 accommodations for statewide, standardized assessments, the  
169 district must inform the parent in writing and provide the  
170 parent with information regarding the impact on the student's  
171 ability to meet expected performance levels. A parent must  
172 provide signed consent for a student to receive classroom  
173 instructional accommodations that would not be available or  
174 permitted on a statewide, standardized assessment and  
175 acknowledge in writing that he or she understands the  
176 implications of such instructional accommodations.

177 c. If a student's IEP states that online administration of  
178 a statewide, standardized assessment will significantly impair  
179 the student's ability to perform, the assessment shall be  
180 administered in hard copy.

181 4. For students with significant cognitive disabilities,  
182 the Department of Education shall provide for implementation of  
183 the Florida Alternate Assessment to accurately measure the core  
184 curricular content established in the Next Generation Sunshine  
185 State Standards.

186 (d) Common core assessments in English Language Arts (ELA)



857770

187 and Mathematics.-

188 1. Contingent upon funding, common core assessments in ELA  
189 shall be administered to students in grades 3 through 11. Retake  
190 opportunities for the grade 10 assessment must be provided.  
191 Students taking the ELA assessments are not required to take the  
192 assessments in FCAT Reading or FCAT Writing. Common core ELA  
193 assessments shall be administered online.

194 2. Contingent upon funding, common core assessments in  
195 Mathematics shall be administered to all students in grades 3  
196 through 8, and common core assessments in Algebra I, Geometry,  
197 and Algebra II shall be administered to students enrolled in  
198 those courses. Retake opportunities must be provided for the  
199 Algebra I assessment. Students may take the common core  
200 Mathematics assessments pursuant to the Credit Acceleration  
201 Program (CAP) under s. 1003.4295(3). Students taking common core  
202 assessments in mathematics are not required to take FCAT  
203 Mathematics or statewide, standardized EOC assessments in  
204 mathematics. Common core mathematics assessments shall be  
205 administered online.

206 3. The State Board of Education shall adopt rules  
207 establishing an implementation schedule to transition from FCAT  
208 Reading, FCAT Writing, FCAT Mathematics, and Algebra I and  
209 geometry EOC assessments to common core assessments in English  
210 language arts and mathematics. The schedule must take into  
211 consideration funding, sufficient field and baseline data,  
212 access to assessments, instructional alignment, and school  
213 district readiness to administer the common core assessments  
214 online. Until the grade 10 common core ELA and Algebra I  
215 assessments become must-pass assessments, students must pass





857770

216 grade 10 FCAT Reading and the Algebra I EOC assessment, or  
217 achieve a concordant or comparative score as authorized under  
218 this section, in order to earn a standard high school diploma  
219 under s. 1003.4282. Students taking grade 10 FCAT Reading or the  
220 Algebra I EOC assessment are not required to take the respective  
221 common core assessments.

222 (e) Assessment scores and achievement levels.-

223 1. All statewide, standardized EOC assessments and FCAT  
224 Reading, FCAT Writing, and FCAT Science shall use scaled scores  
225 and achievement levels. Achievement levels shall range from 1  
226 through 5, with level 1 being the lowest achievement level,  
227 level 5 being the highest achievement level, and level 3  
228 indicating satisfactory performance on an assessment. For  
229 purposes of FCAT Writing, student achievement shall be scored  
230 using a scale of 1 through 6. Common core English Language Arts  
231 and Mathematics assessments shall use achievement levels 1  
232 through 6.

233 2. The state board shall designate by rule a passing score  
234 for each statewide, standardized EOC and FCAT assessment. In  
235 addition, the state board shall designate a score for each  
236 statewide, standardized EOC assessment which indicates that a  
237 student is high achieving and has the potential to meet college-  
238 readiness standards by the time the student graduates from high  
239 school.

240 3. If the commissioner seeks to revise a statewide,  
241 standardized assessment and the revisions require the state  
242 board to modify performance level scores, including the passing  
243 score, the commissioner shall provide a copy of the proposed  
244 scores and implementation plan to the President of the Senate



857770

245 and the Speaker of the House of Representatives at least 90 days  
246 before submission to the state board for review. Until the state  
247 board adopts the modifications by rule, the commissioner shall  
248 use calculations for scoring the assessment which adjust student  
249 scores on the revised assessment for statistical equivalence to  
250 student scores on the former assessment. The state board shall  
251 adopt by rule the passing score for the revised assessment which  
252 is statistically equivalent to the passing score on the  
253 discontinued assessment for a student who is required to attain  
254 a passing score on the discontinued assessment. The commissioner  
255 may, with approval of the state board, discontinue  
256 administration of the former assessment upon the graduation,  
257 based on normal student progression, of students participating  
258 in the final regular administration of the former assessment. If  
259 the commissioner revises a statewide, standardized assessment  
260 and the revisions require the state board to modify the passing  
261 score, only students taking the assessment for the first time  
262 after the rule is adopted are affected.

263 (f) *Assessment schedules and reporting of results.*—The  
264 Commissioner of Education shall establish schedules for the  
265 administration of assessments and the reporting of student  
266 assessment results. The commissioner shall consider the  
267 observance of religious and school holidays when developing the  
268 schedule. By August 1 of each year, the commissioner shall  
269 notify each school district in writing and publish on the  
270 department's website the assessment and reporting schedules for,  
271 at a minimum, the school year following the upcoming school  
272 year. The assessment and reporting schedules must provide the  
273 earliest possible reporting of student assessment results to the



857770

274 school districts. Assessment results for FCAT Reading and FCAT  
275 Mathematics must be made available no later than the week of  
276 June 8. The administration of FCAT Writing and the Florida  
277 Alternate Assessment may be no earlier than the week of March 1.  
278 School districts shall administer assessments in accordance with  
279 the schedule established by the commissioner.

280 (g) Prohibited activities.-A district school board shall  
281 prohibit each public school from suspending a regular program of  
282 curricula for purposes of administering practice assessments or  
283 engaging in other assessment-preparation activities for a  
284 statewide, standardized assessment. However, a district school  
285 board may authorize a public school to engage in the following  
286 assessment-preparation activities:

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

289 2. Providing individualized instruction in assessment-  
290 taking strategies, without suspending the school's regular  
291 program of curricula, for a student who scores Level 1 or Level  
292 2 on a prior administration of an assessment.

293 3. Providing individualized instruction in the content  
294 knowledge and skills assessed, without suspending the school's  
295 regular program of curricula, for a student who scores Level 1  
296 or Level 2 on a prior administration of an assessment or a  
297 student who, through a diagnostic assessment administered by the  
298 school district, is identified as having a deficiency in the  
299 content knowledge and skills assessed.

300 4. Administering a practice assessment or engaging in other  
301 assessment-preparation activities that are determined necessary  
302 to familiarize students with the organization of the assessment,



857770

303 the format of assessment items, and the assessment directions or  
304 that are otherwise necessary for the valid and reliable  
305 administration of the assessment, as set forth in rules adopted  
306 by the State Board of Education with specific reference to this  
307 paragraph.

308 (h) *Contracts for assessments.*—The commissioner shall  
309 provide for the assessments to be developed or obtained, as  
310 appropriate, through contracts and project agreements with  
311 private vendors, public vendors, public agencies, postsecondary  
312 educational institutions, or school districts. The commissioner  
313 may enter into contracts for the continued administration of the  
314 assessments authorized and funded by the Legislature. Contracts  
315 may be initiated in one fiscal year and continue into the next  
316 fiscal year and may be paid from the appropriations of either or  
317 both fiscal years. The commissioner may negotiate for the sale  
318 or lease of tests, scoring protocols, test scoring services, and  
319 related materials developed pursuant to law.

320 (4) SCHOOL ASSESSMENT PROGRAMS.—Each public school shall  
321 participate in the statewide, standardized assessment program in  
322 accordance with the assessment and reporting schedules published  
323 by the Commissioner of Education. District school boards may not  
324 establish school calendars that conflict with or jeopardize  
325 implementation of the assessment program. All district school  
326 boards shall report assessment results as required by the state  
327 management information system. Performance data shall be  
328 analyzed and reported to parents, the community, and the state.  
329 Student performance data shall be used by districts in  
330 developing objectives for the school improvement plan,  
331 evaluating instructional personnel and administrative personnel,



857770

332 assigning staff, allocating resources, acquiring instructional  
333 materials and technology, implementing performance-based  
334 budgeting, and promoting and assigning students to educational  
335 programs. The analysis of student performance data must also  
336 identify strengths and needs in the educational program and  
337 trends over time. The analysis must be used in conjunction with  
338 the budgetary planning processes developed pursuant to s.  
339 1008.385 and the development of remediation programs.

340 (5) REQUIRED ANALYSES.—The commissioner shall provide, at a  
341 minimum, statewide, standardized assessment data analysis  
342 showing student achievement levels and learning gains by  
343 teacher, school, and school district.

344 (6) LOCAL ASSESSMENTS.—

345 (a) Measurement of student learning gains in all subjects  
346 and grade levels, except those subjects and grade levels  
347 measured under the statewide, standardized assessment program  
348 described in this section, is the responsibility of the school  
349 districts.

350 (b) Beginning with the 2014-2015 school year, each school  
351 district shall administer for each course offered in the  
352 district a student assessment that measures mastery of the  
353 content, as described in the state-adopted course description,  
354 at the necessary level of rigor for the course. Such assessments  
355 may include:

356 1. Statewide assessments.

357 2. Other standardized assessments, including nationally  
358 recognized standardized assessments.

359 3. Industry certification examinations.

360 4. District-developed or district-selected end-of-course



857770

361 assessments.

362 (c) The Commissioner of Education shall identify methods to  
363 assist and support districts in the development and acquisition  
364 of assessments required under this subsection. Methods may  
365 include developing item banks, facilitating the sharing of  
366 developed tests among school districts, acquiring assessments  
367 from state and national curriculum-area organizations, and  
368 providing technical assistance in best professional practices of  
369 test development based upon state-adopted curriculum standards,  
370 administration, and security.

371 (7) CONCORDANT SCORES FOR GRADE 10 FCAT READING.—Until the  
372 state transitions to common core English Language Arts  
373 assessments, the Commissioner of Education must identify scores  
374 on the SAT and ACT that if achieved satisfy the graduation  
375 requirement that a student pass grade 10 FCAT Reading. The  
376 commissioner may identify concordant scores on other assessments  
377 as well. If the content or scoring procedures change for grade  
378 10 FCAT Reading, new concordant scores must be determined. If  
379 new concordant scores are not timely adopted, the last adopted  
380 concordant scores remain in effect until such time as new scores  
381 are adopted. The state board shall adopt concordant scores in  
382 rule.

383 (8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC)  
384 ASSESSMENTS.—The Commissioner of Education must identify one or  
385 more comparative scores for the Algebra I EOC assessment and may  
386 identify comparative scores for the other EOC assessments. If  
387 the content or scoring procedures change for the EOC  
388 assessments, new comparative scores must be determined. If new  
389 comparative scores are not timely adopted, the last adopted



857770

390 comparative scores remain in effect until such time as new  
391 scores are adopted. The state board shall adopt comparative  
392 scores in rule.

393 (9) REPORTS.—The Department of Education shall annually  
394 provide a report to the Governor, the President of the Senate,  
395 and the Speaker of the House of Representatives which must  
396 include the following:

397 (a) Longitudinal performance of students in reading and  
398 mathematics.

399 (b) Longitudinal performance of students by grade level in  
400 reading and mathematics.

401 (c) Longitudinal performance regarding efforts to close the  
402 achievement gap.

403 (d) Other student performance data based on national norm-  
404 referenced and criterion-referenced tests, if available;  
405 national assessments, such as the National Assessment of  
406 Educational Progress; and international assessments.

407 (e) The number of students who after grade 8 enroll in  
408 adult education rather than other secondary education.

409 (f) Any plan or intent to establish or implement new  
410 statewide, standardized assessments.

411 (10) RULES.—The State Board of Education shall adopt rules  
412 to implement this section.

413  
414 ===== T I T L E A M E N D M E N T =====

415 And the title is amended as follows:

416 Delete line 108

417 and insert:

418 of an industry certification; amending s. 1008.22,



857770

419 F.S.; substantially rewording the student assessment  
420 program for public schools; providing requirements for  
421 a statewide, standardized assessment program aligned  
422 to core curricular content in the Next Generation  
423 Sunshine State Standards; providing requirements for  
424 end-of-course assessments; providing requirements for  
425 instruction for students with disabilities; providing  
426 for transition to common core assessments in English  
427 language arts and mathematics; providing requirements  
428 for assessment scores, achievement levels, assessment  
429 schedules, and reporting of assessment results;  
430 providing prohibited and authorized assessment-  
431 preparation activities; authorizing contracts for  
432 assessments; requiring analysis of data,  
433 administration of local assessments, and  
434 identification of concordant and comparative scores;  
435 requiring annual reporting of student performance  
436 data; requiring the state board to adopt rules;  
437 amending s. 1008.25,