

By Senator Detert

28-01443A-14

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1                                   A bill to be entitled  
2           An act relating to state assessments; providing a  
3           short title; amending s. 1008.22, F.S.; revising  
4           provisions relating to the waiver of assessment  
5           results for certain students with disabilities;  
6           establishing eligibility criteria for the assessment  
7           of students with disabilities; providing an effective  
8           date.

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

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12           Section 1. This act may be cited as the "Ethan Rediske  
13 Act."

14           Section 2. Paragraph (c) of subsection (3) of section  
15 1008.22, Florida Statutes, is amended to read:

16           1008.22 Student assessment program for public schools.—

17           (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
18 Commissioner of Education shall design and implement a  
19 statewide, standardized assessment program aligned to the core  
20 curricular content established in the Next Generation Sunshine  
21 State Standards. The commissioner also must develop or select  
22 and implement a common battery of assessment tools that will be  
23 used in all juvenile justice education programs in the state.  
24 These tools must accurately measure the core curricular content  
25 established in the Next Generation Sunshine State Standards.  
26 Participation in the assessment program is mandatory for all  
27 school districts and all students attending public schools,  
28 including students seeking an adult high school diploma and  
29 students in Department of Juvenile Justice education programs,

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30 except as otherwise prescribed by the commissioner. If a student  
31 does not participate in the assessment program, the school  
32 district must notify the student's parent and provide the parent  
33 with information regarding the implications of such  
34 nonparticipation. The statewide, standardized assessment program  
35 shall be designed and implemented as follows:

36 (c) *Students with disabilities; Florida Alternate*  
37 *Assessment.*—

38 1. Each district school board must provide instruction to  
39 prepare students with disabilities in the core content knowledge  
40 and skills necessary for successful grade-to-grade progression  
41 and high school graduation.

42 2. A student with a disability, as defined in s. 1007.02  
43 ~~1007.02(2)~~, for whom the individual education plan (IEP) team  
44 determines that the statewide, standardized assessments under  
45 paragraphs (a) and (b) ~~this section~~ cannot accurately measure  
46 the student's abilities, taking into consideration all allowable  
47 accommodations, shall have assessment results waived for the  
48 purpose of calculating ~~receiving~~ a course grade or receiving ~~and~~  
49 a standard high school diploma. The statement of waiver shall be  
50 limited to a statement that performance on an assessment is  
51 waived for the purpose of calculating a course grade or  
52 receiving a standard high school diploma, as applicable. ~~Such~~  
53 ~~waiver shall be designated on the student's transcript.~~

54 3. The State Board of Education shall adopt rules, based  
55 upon recommendations of the commissioner, for the provision of  
56 assessment accommodations for students with disabilities and for  
57 students who have limited English proficiency.

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

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59 standardized assessment are not allowed during the  
60 administration of the assessment. However, instructional  
61 accommodations are allowed in the classroom if identified in a  
62 student's IEP. Students using instructional accommodations in  
63 the classroom that are not allowed on a statewide, standardized  
64 assessment may have assessment results waived if the IEP team  
65 determines that the assessment cannot accurately measure the  
66 student's abilities.

67 b. If a student is provided with instructional  
68 accommodations in the classroom that are not allowed as  
69 accommodations for statewide, standardized assessments, the  
70 district must inform the parent in writing and provide the  
71 parent with information regarding the impact on the student's  
72 ability to meet expected performance levels. A parent must  
73 provide signed consent for a student to receive classroom  
74 instructional accommodations that would not be available or  
75 permitted on a statewide, standardized assessment and  
76 acknowledge in writing that he or she understands the  
77 implications of such instructional accommodations.

78 c. If a student's IEP states that online administration of  
79 a statewide, standardized assessment will significantly impair  
80 the student's ability to perform, the assessment shall be  
81 administered in hard copy.

82 4. For students with significant cognitive disabilities,  
83 the Department of Education shall provide for implementation of  
84 the Florida Alternate Assessment to accurately measure the core  
85 curricular content established in the ~~Next Generation Sunshine~~  
86 state standards.

87 5. Notwithstanding any other provision of law, a student is

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88 ineligible to participate in state assessments, including the  
89 Florida Alternate Assessment, if the IEP team, with parental  
90 approval and subject to final approval by the district school  
91 superintendent, determines based upon compelling medical  
92 documentation from a physician licensed under chapter 458 or  
93 chapter 459 that the student suffers from such a severe  
94 cognitive or physical disability that the student lacks the  
95 capacity to take or perform on an assessment. The district  
96 school superintendent's approval shall be given on a case-by-  
97 case basis.

98 Section 3. This act shall take effect upon becoming a law.