

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,
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,
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
88 is 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.