

1 A bill to be entitled
2 An act relating to student assessments; amending s.
3 1008.22, F.S.; requiring parents to provide written
4 consent for student participation in the statewide
5 assessment program and district-required local
6 assessments; prohibiting a student from being
7 penalized for not participating in such assessments;
8 requiring school districts to provide other means for
9 such students to demonstrate mastery of such subjects;
10 providing graduation requirements for such students;
11 amending s. 1008.25, F.S.; requiring public schools to
12 provide other means for students to demonstrate
13 reading level for promotion to grade 4; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (3) and paragraph (e) of subsection
19 (7) of section 1008.22, Florida Statutes, are amended, to read:

20 1008.22 Student assessment program for public schools.—

21 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
22 Commissioner of Education shall design and implement a
23 statewide, standardized assessment program aligned to the core
24 curricular content established in the Next Generation Sunshine
25 State Standards. The commissioner also must develop or select

26 | and implement a common battery of assessment tools that will be
27 | used in all juvenile justice education programs in the state.
28 | These tools must accurately measure the core curricular content
29 | established in the Next Generation Sunshine State Standards.
30 | Participation in the assessment program is mandatory for all
31 | school districts and all students attending public schools,
32 | including adult students seeking a standard high school diploma
33 | under s. 1003.4282 and students in Department of Juvenile
34 | Justice education programs, except as otherwise provided by law.
35 | However, the parent of a student attending a public school must
36 | provide written consent for his or her student to participate in
37 | the assessment program. If a parent does not provide written
38 | consent, the student may not participate in any statewide,
39 | standardized assessment. A student may not be penalized for not
40 | participating in the assessment program and the school district
41 | must provide other means for such student to demonstrate
42 | learning gains or mastery of the subjects of such assessments. A
43 | student who does not participate in the grade 10 English
44 | Language Arts (ELA) assessment or the Algebra 1 end-of-course
45 | (EOC) assessment must meet the concordant and comparative scores
46 | under subsections (9) and (10), respectively, for such
47 | assessments to fulfill the graduation requirements in s.
48 | 1003.4282(3)(a) and (b)1. ~~If a student does not participate in~~
49 | ~~the assessment program, the school district must notify the~~
50 | ~~student's parent and provide the parent with information~~

51 ~~regarding the implications of such nonparticipation.~~ The
52 statewide, standardized assessment program shall be designed and
53 implemented as follows:

54 (a) Statewide, standardized comprehensive assessments.—The
55 statewide, standardized Reading assessment shall be administered
56 annually in grades 3 through 10. The statewide, standardized
57 Writing assessment shall be administered annually at least once
58 at the elementary, middle, and high school levels. When the
59 Reading and Writing assessments are replaced by ELA ~~English~~
60 ~~Language Arts (ELA)~~ assessments, ELA assessments shall be
61 administered to students in grades 3 through 10. Retake
62 opportunities for the grade 10 Reading assessment or, upon
63 implementation, the grade 10 ELA assessment must be provided.
64 Students taking the ELA assessments shall not take the
65 statewide, standardized assessments in Reading or Writing.
66 Reading passages and writing prompts for ELA assessments shall
67 incorporate grade-level core curricula content from social
68 studies. The statewide, standardized Mathematics assessments
69 shall be administered annually in grades 3 through 8. Students
70 taking a revised Mathematics assessment shall not take the
71 discontinued assessment. The statewide, standardized Science
72 assessment shall be administered annually at least once at the
73 elementary and middle grades levels. In order to earn a standard
74 high school diploma, a student who has not earned a passing
75 score on the grade 10 Reading assessment or, upon

76 implementation, the grade 10 ELA assessment must earn a passing
77 score on the assessment retake or earn a concordant score as
78 authorized under subsection (9).

79 (b) EOC ~~End-of-course (EOC)~~ assessments.—EOC assessments
80 must be statewide, standardized, and developed or approved by
81 the Department of Education as follows:

82 1. EOC assessments for Algebra I, Geometry, Biology I,
83 United States History, and Civics shall be administered to
84 students enrolled in such courses as specified in the course
85 code directory.

86 2. Students enrolled in a course, as specified in the
87 course code directory, with an associated statewide,
88 standardized EOC assessment must take the EOC assessment for
89 such course and may not take the corresponding subject or grade-
90 level statewide, standardized assessment pursuant to paragraph
91 (a). Sections 1003.4156 and 1003.4282 govern the use of
92 statewide, standardized EOC assessment results for students.

93 3. The commissioner may select one or more nationally
94 developed comprehensive examinations, which may include
95 examinations for a College Board Advanced Placement course,
96 International Baccalaureate course, or Advanced International
97 Certificate of Education course, or industry-approved
98 examinations to earn national industry certifications identified
99 in the CAPE Industry Certification Funding List, for use as EOC
100 assessments under this paragraph if the commissioner determines

101 that the content knowledge and skills assessed by the
102 examinations meet or exceed the grade-level expectations for the
103 core curricular content established for the course in the Next
104 Generation Sunshine State Standards. Use of any such examination
105 as an EOC assessment must be approved by the state board in
106 rule.

107 4. Contingent upon funding provided in the General
108 Appropriations Act, including the appropriation of funds
109 received through federal grants, the commissioner may establish
110 an implementation schedule for the development and
111 administration of additional statewide, standardized EOC
112 assessments that must be approved by the state board in rule. If
113 approved by the state board, student performance on such
114 assessments constitutes 30 percent of a student's final course
115 grade.

116 5. All statewide, standardized EOC assessments must be
117 administered online except as otherwise provided in paragraph
118 (c).

119 6. A student enrolled in an Advanced Placement (AP),
120 International Baccalaureate (IB), or Advanced International
121 Certificate of Education (AICE) course who takes the respective
122 AP, IB, or AICE assessment and earns the minimum score necessary
123 to earn college credit, as identified in s. 1007.27(2), meets
124 the requirements of this paragraph and does not have to take the
125 EOC assessment for the corresponding course.

126 (c) Students with disabilities; Florida Alternate
127 Assessment.—

128 1. Each district school board must provide instruction to
129 prepare students with disabilities in the core content knowledge
130 and skills necessary for successful grade-to-grade progression
131 and high school graduation.

132 2. A student with a disability, as defined in s. 1007.02,
133 for whom the individual education plan (IEP) team determines
134 that the statewide, standardized assessments under this section
135 cannot accurately measure the student's abilities, taking into
136 consideration all allowable accommodations, shall have
137 assessment results waived for the purpose of receiving a course
138 grade and a standard high school diploma. Such waiver shall be
139 designated on the student's transcript. The statement of waiver
140 shall be limited to a statement that performance on an
141 assessment was waived for the purpose of receiving a course
142 grade or a standard high school diploma, as applicable.

143 3. The State Board of Education shall adopt rules, based
144 upon recommendations of the commissioner, for the provision of
145 assessment accommodations for students with disabilities and for
146 students who have limited English proficiency.

147 a. Accommodations that negate the validity of a statewide,
148 standardized assessment are not allowed during the
149 administration of the assessment. However, instructional
150 accommodations are allowed in the classroom if identified in a

151 student's IEP. Students using instructional accommodations in
152 the classroom that are not allowed on a statewide, standardized
153 assessment may have assessment results waived if the IEP team
154 determines that the assessment cannot accurately measure the
155 student's abilities.

156 b. If a student is provided with instructional
157 accommodations in the classroom that are not allowed as
158 accommodations for statewide, standardized assessments, the
159 district must inform the parent in writing and provide the
160 parent with information regarding the impact on the student's
161 ability to meet expected performance levels. A parent must
162 provide signed consent for a student to receive classroom
163 instructional accommodations that would not be available or
164 permitted on a statewide, standardized assessment and
165 acknowledge in writing that he or she understands the
166 implications of such instructional accommodations.

167 c. If a student's IEP states that online administration of
168 a statewide, standardized assessment will significantly impair
169 the student's ability to perform, the assessment shall be
170 administered in hard copy.

171 4. For students with significant cognitive disabilities,
172 the Department of Education shall provide for implementation of
173 the Florida Alternate Assessment to accurately measure the core
174 curricular content established in the Next Generation Sunshine
175 State Standards.

176 (d) Implementation schedule.—

177 1. The Commissioner of Education shall establish and
178 publish on the department's website an implementation schedule
179 to transition from the statewide, standardized Reading and
180 Writing assessments to the ELA assessments and to the revised
181 Mathematics assessments, including the Algebra I and Geometry
182 EOC assessments. The schedule must take into consideration
183 funding, sufficient field and baseline data, access to
184 assessments, instructional alignment, and school district
185 readiness to administer the assessments online. All such
186 assessments must be delivered through computer-based testing,
187 however, the following assessments must be delivered in a
188 computer-based format, as follows: the grade 3 Mathematics
189 assessment beginning in the 2016-2017 school year; the grade 4
190 ELA assessment, beginning in the 2015-2016 school year; and the
191 grade 4 Mathematics assessment, beginning in the 2016-2017
192 school year. Notwithstanding the requirements of this
193 subparagraph, statewide, standardized ELA and mathematics
194 assessments in grades 3 through 6 must be delivered only in a
195 paper-based format, beginning with the 2017-2018 school year,
196 and all such assessments must be paper-based no later than the
197 2018-2019 school year.

198 2. The Department of Education shall publish minimum and
199 recommended technology requirements that include specifications
200 for hardware, software, networking, security, and broadband

201 capacity to facilitate school district compliance with the
202 requirements of this section.

203 (e) Assessment scores and achievement levels.—

204 1. All statewide, standardized EOC assessments and ELA,
205 mathematics, and Science assessments shall use scaled scores and
206 achievement levels. Achievement levels shall range from 1
207 through 5, with level 1 being the lowest achievement level,
208 level 5 being the highest achievement level, and level 3
209 indicating satisfactory performance on an assessment.

210 2. The state board shall designate by rule a passing score
211 for each statewide, standardized assessment.

212 3. If the commissioner seeks to revise a statewide,
213 standardized assessment and the revisions require the state
214 board to modify performance level scores, including the passing
215 score, the commissioner shall provide a copy of the proposed
216 scores and implementation plan to the President of the Senate
217 and the Speaker of the House of Representatives at least 90 days
218 before submission to the state board for review. Until the state
219 board adopts the modifications by rule, the commissioner shall
220 use calculations for scoring the assessment that adjust student
221 scores on the revised assessment for statistical equivalence to
222 student scores on the former assessment. The state board shall
223 adopt by rule the passing score for the revised assessment that
224 is statistically equivalent to the passing score on the
225 discontinued assessment for a student who is required to attain

226 a passing score on the discontinued assessment. The commissioner
227 may, with approval of the state board, discontinue
228 administration of the former assessment upon the graduation,
229 based on normal student progression, of students participating
230 in the final regular administration of the former assessment. If
231 the commissioner revises a statewide, standardized assessment
232 and the revisions require the state board to modify the passing
233 score, only students taking the assessment for the first time
234 after the rule is adopted are affected.

235 (f) Prohibited activities.—A district school board shall
236 prohibit each public school from suspending a regular program of
237 curricula for purposes of administering practice assessments or
238 engaging in other assessment-preparation activities for a
239 statewide, standardized assessment. However, a district school
240 board may authorize a public school to engage in the following
241 assessment-preparation activities:

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

244 2. Providing individualized instruction in assessment-
245 taking strategies, without suspending the school's regular
246 program of curricula, for a student who scores Level 1 or Level
247 2 on a prior administration of an assessment.

248 3. Providing individualized instruction in the content
249 knowledge and skills assessed, without suspending the school's
250 regular program of curricula, for a student who scores Level 1

251 or Level 2 on a prior administration of an assessment or a
252 student who, through a diagnostic assessment administered by the
253 school district, is identified as having a deficiency in the
254 content knowledge and skills assessed.

255 4. Administering a practice assessment or engaging in
256 other assessment-preparation activities that are determined
257 necessary to familiarize students with the organization of the
258 assessment, the format of assessment items, and the assessment
259 directions or that are otherwise necessary for the valid and
260 reliable administration of the assessment, as set forth in rules
261 adopted by the State Board of Education with specific reference
262 to this paragraph.

263 (g) Contracts for assessments.—

264 1. The commissioner shall provide for the assessments to
265 be developed or obtained, as appropriate, through contracts and
266 project agreements with private vendors, public vendors, public
267 agencies, postsecondary educational institutions, or school
268 districts. The commissioner may enter into contracts for the
269 continued administration of the assessments authorized and
270 funded by the Legislature. Contracts may be initiated in 1
271 fiscal year and continue into the next fiscal year and may be
272 paid from the appropriations of either or both fiscal years. The
273 commissioner may negotiate for the sale or lease of tests,
274 scoring protocols, test scoring services, and related materials
275 developed pursuant to law.

276 2. A student's performance results on statewide,
277 standardized assessments, EOC assessments, and Florida
278 Alternative Assessments administered pursuant to this subsection
279 must be provided to the student's teachers and parents by the
280 end of the school year, unless the commissioner determines that
281 extenuating circumstances exist and reports the extenuating
282 circumstances to the State Board of Education. This subparagraph
283 does not apply to existing contracts for such assessments, but
284 shall apply to new contracts and any renewal of existing
285 contracts for such assessments.

286 3. If liquidated damages are applicable, the department
287 shall collect liquidated damages that are due in response to the
288 administration of the spring 2015 computer-based assessments of
289 the department's Florida Standards Assessment contract with
290 American Institutes for Research, and expend the funds to
291 reimburse parties that incurred damages.

292 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

293 (e) A school district may not schedule more than 5 percent
294 of a student's total school hours in a school year to administer
295 statewide, standardized assessments and district-required local
296 assessments. The parent of a student attending a public school
297 within the school district must provide written consent for his
298 or her student to participate in the school district's
299 assessment program. If a parent does not provide written
300 consent, the student may not participate in any district-level

301 assessments. A student may not be penalized for not
302 participating in such assessments and the school district must
303 provide other means for such student to demonstrate learning
304 gains or mastery of the subjects of such assessments. ~~The~~
305 ~~district must secure written consent from a student's parent~~
306 ~~before administering district-required local assessments that,~~
307 ~~after applicable statewide, standardized assessments are~~
308 ~~scheduled, exceed the 5 percent test administration limit for~~
309 ~~that student under this paragraph.~~ The 5 percent test
310 administration limit for a student under this paragraph may be
311 exceeded as needed to provide test accommodations that are
312 required by an IEP or are appropriate for an English language
313 learner who is currently receiving services in a program
314 operated in accordance with an approved English language learner
315 district plan pursuant to s. 1003.56. Notwithstanding this
316 paragraph, a student may choose within a school year to take an
317 examination or assessment adopted by State Board of Education
318 rule pursuant to this section and ss. 1007.27, 1008.30, and
319 1008.44.

320 Section 2. Paragraph (b) of subsection (5) of section
321 1008.25, Florida Statutes, is amended to read:

322 1008.25 Public school student progression; student
323 support; reporting requirements.—

324 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

325 (b)1. To be promoted to grade 4, a student must score a

326 Level 2 or higher on the statewide, standardized English
327 Language Arts (ELA) assessment required under s. 1008.22 for
328 grade 3. If a student's reading deficiency is not remedied by
329 the end of grade 3, as demonstrated by scoring Level 2 or higher
330 on the statewide, standardized assessment required under s.
331 1008.22 for grade 3, the student must be retained.

332 2. If a parent does not provide written consent for his or
333 her student to participate in the ELA assessment under s.
334 1008.22(3), the school must provide other means for such student
335 to demonstrate that he or she is performing at least at Level 2
336 on the statewide, standardized ELA assessment, including
337 establishing a portfolio as provided in subparagraph (6)(b)4.

338 Section 3. This act shall take effect July 1, 2020.