

HB 877

2015

1 A bill to be entitled
2 An act relating to assessments and accountability;
3 amending s. 1008.22, F.S.; revising the student
4 assessment program for public schools; authorizing a
5 school district to select certain assessments to
6 administer instead of the statewide, standardized
7 assessments; providing for funding of the assessments;
8 requiring the Commissioner of Education to develop and
9 maintain a list of assessments from which a school
10 district may choose; providing that school districts,
11 including instructional personnel, and students shall
12 not be negatively impacted under certain
13 circumstances; exempting certain students from
14 participation in the statewide, standardized
15 assessment program; requiring the commissioner to
16 determine percentile rankings for the listed
17 assessments to correspond to achievement levels;
18 providing for the administration of paper-based
19 assessments under certain circumstances; amending s.
20 1008.34, F.S.; revising definitions relating to the
21 school grading system to include the district-
22 selected, national, norm-referenced assessment
23 program; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:
26

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27 Section 1. Subsection (3) of section 1008.22, Florida
28 Statutes, is amended to read:

29 1008.22 Student assessment program for public schools.—

30 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
31 Commissioner of Education shall design and implement a
32 statewide, standardized assessment program aligned to the core
33 curricular content established in the Next Generation Sunshine
34 State Standards. The commissioner also must develop or select
35 and implement a common battery of assessment tools that will be
36 used in all juvenile justice education programs in the state.
37 These tools must accurately measure the core curricular content
38 established in the Next Generation Sunshine State Standards.
39 ~~Participation in the assessment program is mandatory for all~~
40 ~~school districts and all students attending public schools,~~
41 ~~including adult students seeking a standard high school diploma~~
42 ~~under s. 1003.4282 and students in Department of Juvenile~~
43 ~~Justice education programs, except as otherwise provided by law.~~
44 ~~If a student does not participate in the assessment program, the~~
45 ~~school district must notify the student's parent and provide the~~
46 ~~parent with information regarding the implications of such~~
47 ~~nonparticipation.~~ The statewide, standardized assessment program
48 shall be designed and implemented as follows:

49 (a) 1. Statewide, standardized comprehensive assessments.—
50 The statewide, standardized Reading assessment shall be
51 administered annually in grades 3 through 10. The statewide,
52 standardized Writing assessment shall be administered annually

53 at least once at the elementary, middle, and high school levels.
54 When the Reading and Writing assessments are replaced by English
55 Language Arts (ELA) assessments, ELA assessments shall be
56 administered to students in grades 3 through 11. Retake
57 opportunities for the grade 10 Reading assessment or, upon
58 implementation, the grade 10 ELA assessment must be provided.
59 Students taking the ELA assessments shall not take the
60 statewide, standardized assessments in Reading or Writing. ELA
61 assessments shall be administered online. The statewide,
62 standardized Mathematics assessments shall be administered
63 annually in grades 3 through 8. Students taking a revised
64 Mathematics assessment shall not take the discontinued
65 assessment. The statewide, standardized Science assessment shall
66 be administered annually at least once at the elementary and
67 middle grades levels. In order to earn a standard high school
68 diploma, a student who has not earned a passing score on the
69 grade 10 Reading assessment or, upon implementation, the grade
70 10 ELA assessment must earn a passing score on the assessment
71 retake or earn a concordant score as authorized under subsection
72 (7). If a school district does not wish to administer the
73 statewide, standardized assessments online, the department shall
74 provide for the assessments to be administered in a paper-based
75 format.

76 2.a. If a school district does not wish to participate in
77 the statewide, standardized assessment program, the district may
78 choose to annually administer an English Language Arts national,

79 norm-referenced assessment for students in grades 3 through 11;
80 annually administer a mathematics national, norm-referenced
81 assessment for students in grades 3 through 8; and administer a
82 science national, norm-referenced assessment once for students
83 at the elementary school level and once for students at the
84 middle school level. If a district does not wish to administer
85 the national, norm-referenced assessments online, the district
86 shall administer paper-based assessments. Funds designated for
87 the statewide, standardized assessment program shall be used to
88 procure and administer the district-selected, national, norm-
89 referenced assessment. The Commissioner of Education shall
90 maintain a list of pre-2009 national, norm-referenced
91 assessments identified pursuant to s. 1002.395. A district,
92 including instructional personnel, shall not be negatively
93 impacted for not participating in the statewide, standardized
94 assessment program, including, but not limited to, negative
95 implications regarding district and school grades and personnel
96 evaluations.

97 b. All students attending public schools, including adult
98 students seeking a standard high school diploma under s.
99 1003.4282 and students in Department of Juvenile Justice
100 education programs, except as otherwise provided by law, are
101 expected to participate in the statewide, standardized
102 assessment program or the district-selected assessment program.
103 However, a student is not required to participate in a program
104 if the student:

105 (I) Has a medically certified severe cognitive impairment;
106 (II) Has a certified medical complexity; or
107 (III) Has been exempted by written request of his or her
108 parent or, if the student is an adult student, by his or her
109 written request. A parent who opts to exempt his or her child
110 from participation in the statewide, standardized assessment
111 program or the district-selected assessment program, or an adult
112 student who opts to exempt himself or herself from participation
113 in either program, must make arrangements for his or her child,
114 or himself or herself, to take a national, norm-referenced
115 assessment included on the commissioner's list in a neighboring
116 school district that has chosen not to administer the statewide,
117 standardized assessments, or at a local private school that
118 administers one of the district-selected, national, norm-
119 referenced assessments, or have a certified educator administer
120 the national, norm-referenced assessment to his or her child, or
121 himself or herself. A student or district, including
122 instructional personnel, shall not be negatively impacted if the
123 student does not participate in the statewide, standardized
124 assessment program or the district-selected assessment program,
125 including, but not limited to, negative implications regarding
126 district and school grades and personnel evaluations.

127 (b) End-of-course (EOC) assessments.—EOC assessments must
128 be statewide, standardized, and developed or approved by the
129 Department of Education as follows:

130 1. Statewide, standardized EOC assessments in mathematics

131 shall be administered according to this subparagraph. Beginning
132 with the 2010-2011 school year, all students enrolled in Algebra
133 I must take the Algebra I EOC assessment. Except as otherwise
134 provided in paragraph (c), beginning with students entering
135 grade 9 in the 2011-2012 school year, a student who is enrolled
136 in Algebra I must earn a passing score on the Algebra I EOC
137 assessment or attain a comparative score as authorized under
138 subsection (8) in order to earn a standard high school diploma.
139 In order to earn a standard high school diploma, a student who
140 has not earned a passing score on the Algebra I EOC assessment
141 must earn a passing score on the assessment retake or a
142 comparative score as authorized under subsection (8). Beginning
143 with the 2011-2012 school year, all students enrolled in
144 Geometry must take the Geometry EOC assessment. Middle grades
145 students enrolled in Algebra I, Geometry, or Biology I must take
146 the statewide, standardized EOC assessment for those courses and
147 shall not take the corresponding subject and grade-level
148 statewide, standardized assessment. When a statewide,
149 standardized EOC assessment in Algebra II is administered, all
150 students enrolled in Algebra II must take the EOC assessment.
151 Pursuant to the commissioner's implementation schedule, student
152 performance on the Algebra II EOC assessment constitutes 30
153 percent of a student's final course grade.

154 2. Statewide, standardized EOC assessments in science
155 shall be administered according to this subparagraph. Beginning
156 with the 2011-2012 school year, all students enrolled in Biology

157 I must take the Biology I EOC assessment. Beginning with
158 students entering grade 9 in the 2013-2014 school year,
159 performance on the Biology I EOC assessment constitutes 30
160 percent of the student's final course grade.

161 3. Beginning with the 2013-2014 school year, each
162 student's performance on the statewide, standardized middle
163 grades Civics EOC assessment constitutes 30 percent of the
164 student's final course grade in civics education.

165 4. The commissioner may select one or more nationally
166 developed comprehensive examinations, which may include
167 examinations for a College Board Advanced Placement course,
168 International Baccalaureate course, or Advanced International
169 Certificate of Education course, or industry-approved
170 examinations to earn national industry certifications identified
171 in the Industry Certification Funding List, for use as EOC
172 assessments under this paragraph if the commissioner determines
173 that the content knowledge and skills assessed by the
174 examinations meet or exceed the grade-level expectations for the
175 core curricular content established for the course in the Next
176 Generation Sunshine State Standards. Use of any such examination
177 as an EOC assessment must be approved by the state board in
178 rule.

179 5. Contingent upon funding provided in the General
180 Appropriations Act, including the appropriation of funds
181 received through federal grants, the commissioner may establish
182 an implementation schedule for the development and

183 administration of additional statewide, standardized EOC
184 assessments that must be approved by the state board in rule. If
185 approved by the state board, student performance on such
186 assessments constitutes 30 percent of a student's final course
187 grade.

188 6. All statewide, standardized EOC assessments must be
189 administered online except as otherwise provided in paragraph
190 (c) or if a school district does not wish to administer the
191 statewide, standardized EOC assessments online. If a district
192 does not wish to administer the statewide, standardized EOC
193 assessments online, the department shall provide for the
194 assessments to be administered in a paper-based format.

195 (c) Students with disabilities; Florida Alternate
196 Assessment.—

197 1. Each district school board must provide instruction to
198 prepare students with disabilities in the core content knowledge
199 and skills necessary for successful grade-to-grade progression
200 and high school graduation.

201 2. A student with a disability, as defined in s. 1007.02,
202 for whom the individual education plan (IEP) team determines
203 that the statewide, standardized assessments under this section
204 cannot accurately measure the student's abilities, taking into
205 consideration all allowable accommodations, shall have
206 assessment results waived for the purpose of receiving a course
207 grade and a standard high school diploma. Such waiver shall be
208 designated on the student's transcript. The statement of waiver

209 shall be limited to a statement that performance on an
210 assessment was waived for the purpose of receiving a course
211 grade or a standard high school diploma, as applicable.

212 3. The State Board of Education shall adopt rules, based
213 upon recommendations of the commissioner, for the provision of
214 assessment accommodations for students with disabilities and for
215 students who have limited English proficiency.

216 a. Accommodations that negate the validity of a statewide,
217 standardized assessment are not allowed during the
218 administration of the assessment. However, instructional
219 accommodations are allowed in the classroom if identified in a
220 student's IEP. Students using instructional accommodations in
221 the classroom that are not allowed on a statewide, standardized
222 assessment may have assessment results waived if the IEP team
223 determines that the assessment cannot accurately measure the
224 student's abilities.

225 b. If a student is provided with instructional
226 accommodations in the classroom that are not allowed as
227 accommodations for statewide, standardized assessments, the
228 district must inform the parent in writing and provide the
229 parent with information regarding the impact on the student's
230 ability to meet expected performance levels. A parent must
231 provide signed consent for a student to receive classroom
232 instructional accommodations that would not be available or
233 permitted on a statewide, standardized assessment and
234 acknowledge in writing that he or she understands the

235 implications of such instructional accommodations.

236 c. If a student's IEP states that online administration of
237 a statewide, standardized assessment will significantly impair
238 the student's ability to perform, the assessment shall be
239 administered in hard copy.

240 4. For students with significant cognitive disabilities,
241 the Department of Education shall provide for implementation of
242 the Florida Alternate Assessment to accurately measure the core
243 curricular content established in the Next Generation Sunshine
244 State Standards.

245 (d) Implementation schedule.—

246 1. The Commissioner of Education shall establish and
247 publish on the department's website an implementation schedule
248 to transition from the statewide, standardized Reading and
249 Writing assessments to the ELA assessments and to the revised
250 Mathematics assessments, including the Algebra I and Geometry
251 EOC assessments. The schedule must take into consideration
252 funding, sufficient field and baseline data, access to
253 assessments, instructional alignment, and school district
254 readiness to administer the assessments online.

255 2. The Department of Education shall publish minimum and
256 recommended technology requirements that include specifications
257 for hardware, software, networking, security, and broadband
258 capacity to facilitate school district compliance with the
259 requirement that assessments be administered online.

260 (e) Assessment scores and achievement levels.—

261 1. All statewide, standardized EOC assessments and
262 Reading, Writing, and Science assessments shall use scaled
263 scores and achievement levels. Achievement levels shall range
264 from 1 through 5, with level 1 being the lowest achievement
265 level, level 5 being the highest achievement level, and level 3
266 indicating satisfactory performance on an assessment. For
267 purposes of the statewide, standardized Writing assessment,
268 student achievement shall be scored using a scale of 1 through
269 6. The Commissioner of Education shall determine percentile
270 scores that correspond to each of the five achievement levels
271 for each of the national, norm-referenced assessments from which
272 a school district may choose.

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

275 3. If the commissioner seeks to revise a statewide,
276 standardized assessment and the revisions require the state
277 board to modify performance level scores, including the passing
278 score, the commissioner shall provide a copy of the proposed
279 scores and implementation plan to the President of the Senate
280 and the Speaker of the House of Representatives at least 90 days
281 before submission to the state board for review. Until the state
282 board adopts the modifications by rule, the commissioner shall
283 use calculations for scoring the assessment that adjust student
284 scores on the revised assessment for statistical equivalence to
285 student scores on the former assessment. The state board shall
286 adopt by rule the passing score for the revised assessment that

287 is statistically equivalent to the passing score on the
288 discontinued assessment for a student who is required to attain
289 a passing score on the discontinued assessment. The commissioner
290 may, with approval of the state board, discontinue
291 administration of the former assessment upon the graduation,
292 based on normal student progression, of students participating
293 in the final regular administration of the former assessment. If
294 the commissioner revises a statewide, standardized assessment
295 and the revisions require the state board to modify the passing
296 score, only students taking the assessment for the first time
297 after the rule is adopted are affected.

298 (f) Assessment schedules and reporting of results.—The
299 Commissioner of Education shall establish schedules for the
300 administration of assessments and the reporting of student
301 assessment results. The commissioner shall consider the
302 observance of religious and school holidays when developing the
303 schedule. By August 1 of each year, the commissioner shall
304 notify each school district in writing and publish on the
305 department's website the assessment and reporting schedules for,
306 at a minimum, the school year following the upcoming school
307 year. The assessment and reporting schedules must provide the
308 earliest possible reporting of student assessment results to the
309 school districts. Assessment results for the statewide,
310 standardized Reading assessments, or upon implementation the ELA
311 assessments, and Mathematics assessments, including the EOC
312 assessments in Algebra I and Geometry, must be made available no

313 later than the week of June 8. The administration of the
314 statewide, standardized Writing assessment and the Florida
315 Alternate Assessment may be no earlier than the week of March 1.
316 School districts shall administer assessments in accordance with
317 the schedule established by the commissioner.

318 (g) Prohibited activities.—A district school board shall
319 prohibit each public school from suspending a regular program of
320 curricula for purposes of administering practice assessments or
321 engaging in other assessment-preparation activities for a
322 statewide, standardized assessment. However, a district school
323 board may authorize a public school to engage in the following
324 assessment-preparation activities:

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

327 2. Providing individualized instruction in assessment-
328 taking strategies, without suspending the school's regular
329 program of curricula, for a student who scores Level 1 or Level
330 2 on a prior administration of an assessment.

331 3. Providing individualized instruction in the content
332 knowledge and skills assessed, without suspending the school's
333 regular program of curricula, for a student who scores Level 1
334 or Level 2 on a prior administration of an assessment or a
335 student who, through a diagnostic assessment administered by the
336 school district, is identified as having a deficiency in the
337 content knowledge and skills assessed.

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339 other assessment-preparation activities that are determined
340 necessary to familiarize students with the organization of the
341 assessment, the format of assessment items, and the assessment
342 directions or that are otherwise necessary for the valid and
343 reliable administration of the assessment, as set forth in rules
344 adopted by the State Board of Education with specific reference
345 to this paragraph.

346 (h) Contracts for assessments.—The commissioner shall
347 provide for the assessments to be developed or obtained, as
348 appropriate, through contracts and project agreements with
349 private vendors, public vendors, public agencies, postsecondary
350 educational institutions, or school districts. The commissioner
351 may enter into contracts for the continued administration of the
352 assessments authorized and funded by the Legislature. Contracts
353 may be initiated in 1 fiscal year and continue into the next
354 fiscal year and may be paid from the appropriations of either or
355 both fiscal years. The commissioner may negotiate for the sale
356 or lease of tests, scoring protocols, test scoring services, and
357 related materials developed pursuant to law.

358 Section 2. Subsection (1) of section 1008.34, Florida
359 Statutes, is amended to read:

360 1008.34 School grading system; school report cards;
361 district grade.—

362 (1) DEFINITIONS.—For purposes of the statewide,
363 standardized assessment program; the district-selected,
364 national, norm-referenced assessment program; and the school

365 grading system, the following terms are defined:

366 (a) "Achievement level," "student achievement," or
367 "achievement" describes the level of content mastery a student
368 has acquired in a particular subject as measured by a statewide,
369 standardized assessment or a district-selected, national, norm-
370 referenced assessment administered pursuant to s. 1008.22(3)(a)
371 and (b). There are five achievement levels. Level 1 is the
372 lowest achievement level, level 5 is the highest achievement
373 level, and level 3 indicates satisfactory performance. A student
374 passes an assessment if the student achieves a level 3, level 4,
375 or level 5. The Commissioner of Education shall determine
376 percentile scores that correspond to each of the five
377 achievement levels for each of the national, norm-referenced
378 assessments from which a school district may choose. For
379 purposes of the Florida Alternate Assessment administered
380 pursuant to s. 1008.22(3)(c), the state board shall provide, in
381 rule, the number of achievement levels and identify the
382 achievement levels that are considered passing.

383 (b) "Learning Gains," "annual learning gains," or "student
384 learning gains" means the degree of student learning growth
385 occurring from one school year to the next as required by state
386 board rule for purposes of calculating school grades under this
387 section.

388 (c) "Student performance," "student academic performance,"
389 or "academic performance" includes, but is not limited to,
390 student learning growth, achievement levels, and Learning Gains

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391 on statewide, standardized assessments or district-selected,
392 national, norm-referenced assessments administered pursuant to
393 s. 1008.22.

394 Section 3. This act shall take effect July 1, 2015.