

Chapter Law 79-20

House Bill No.755

An act relating to student assessment tests; adding s. 120.52(14)(e) Florida Statutes, 1978 Supplement; excluding certain tests and scoring criteria from the definition of "rule" as used in the Administrative Procedures Act; amending s. 232.246(1), (2), Florida Statutes, 1978 Supplement; providing that students who have taken the 11th grade basic skills and functional literacy tests prior to April 15, 1979 and have been advised that they mastered certain standards are not required to again demonstrate mastery of such standards as a condition to graduation; providing an effective date.

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

Section 1, paragraph (e) is added to subsection (14) of section 120.52, Florida Statutes, 1978 Supplement, to read:

120.52 Definitions.--As used in this act:

(14) "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. The term does not include:

e) Any tests, test scoring criteria, practices, or procedures relating to student assessment which are developed or administered by the Department of Education pursuant to ss. 229.57, 232.245, 232.246, or 232.247.

Section 2. Subsections (3) of section 232.246, Florida Statutes, 1978 supplement, is renumbered as subsection (4), subsections (1) and (2) are amended, and a new subsection (2) is added to said section to read:

232.246 General requirements for high school graduation.—

(1) Beginning with the 1978-1979 school year, each district school board shall establish standards for graduation from its schools which shall include as a minimum:

(a) Mastery of the minimum performance standards in reading, writing, and mathematics for the 11th grade, established pursuant to ss. 229.565 and 229.57, determined in the manner prescribed after a public hearing and consideration by ~~rules of~~ the state board;

(b) Demonstrated ability to successfully apply basic skills to everyday life situations as measured by a functional literacy examination developed and administered in a manner prescribed after a public hearing and consideration by ~~pursuant to rules of~~ the state board; and

(c) Completion of a minimum number of academic credits, and all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(d) The public hearing and consideration required in paragraphs (a) and (b) and in subsection (3) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

(2) The standards required in subsection (1), and any subsequent modifications thereto, shall be printed in the Florida Administrative Code even though said standards are not defined as rules.

(3)(2) The state board shall, after a public hearing and consideration, make provision in its rules required herein for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills, except where such skills are the factors the test purports to measure.

Section 3. Any student who has taken the 11th grade basic skills and functional literacy tests prior to April 15, 1979 and has been advised by the Department of Education or the district school board that he has mastered any or all of the

standards tested therein is not required to again demonstrate mastery of such standards as a condition of graduation pursuant to s. 232.246, Florida Statutes, 1978 Supplement, notwithstanding any other provision of law.

Section 4. This act shall take effect upon becoming a law.

SENATE SUMMARY

Excludes certain tests, scoring criteria, practices, or procedures relating to student assessment which are developed or administered by the Department of Education from the definition of "rule" as used in the Administrative Procedures Act. Provides that students who have taken the 11th grade basic skills and functional literacy tests prior to April 15, 1979 and who have been advised that they have mastered any or all of the standards tested are not required to again demonstrate mastery of such standards as a condition to graduation pursuant to s. 232.246, F.S., 1978 Supplement.