

**Osceola County's
Test Administration and Security Agreement for
Assessments Used for Employee Evaluation Purposes**

Florida's Related Test Security Laws

The School District of Osceola County, Florida

**Test Administration and Security Agreement for
Assessments Used for Employee Evaluation Purposes**

Per Florida State Board of Education Rule 6A-10.042, FAC, Sections 1008.22 and 1008.24, Florida Statutes, shall also apply to anyone involved in the administration of any student assessment used for employee evaluation purposes in The School District of Osceola County.

Florida law prohibits activities that may threaten the integrity of the test including, but not limited to, the following examples:

- Revealing or giving students access to tests, individual test items, or test answer keys prior to testing;
- Coaching students during testing or altering or interfering with students' responses during or after testing;
- Explaining or reading test items for students;
- Copying, reproducing, or using in any manner inconsistent with basic test security rules all or any portion of any test booklet;
- Failing to follow basic test security rules for distribution and return of tests as directed;
- Failing to account for all test materials before, during, and after testing;
- Causing student achievement to be inaccurately measured or reported;
- Failing to follow test administration directions;
- Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts prohibited in state law or district policy regarding testing or any additional activity which could result in the inaccurate measurement or reporting of the students'/ examinees' achievement; or
- Failing to report test administration violations, test security violations, or any additional activity which could result in the inaccurate measurement or reporting of the students'/ examinees' achievement.

If any of the above examples are allowable accommodations for students with current IEPs, Section 504 plans, or ELL plans, test administrators are permitted to provide the accommodation(s) per district procedures.

The security of all test materials must be maintained before, during, and after the test administration. After any administration, initial OR make-up, the teacher must place and secure test materials in locked storage.

Inappropriate actions by district or school employees will result in further investigation and possible loss of teaching certification.

I have received adequate training regarding the administration of the assessment to be used for employee evaluation purposes and have read the Florida Test Security Statute, State Board of Education Rule, and the essential information and instructions for the assessment. I agree to administer the assessment according to these procedures.

Further, I will not reveal or disclose any information about the test items or engage in any acts that would violate the security of the assessment to be used for employee evaluation purposes and/ or that would cause student achievement to be inaccurately represented.

School/ Facility Name: _____

School/ Facility Number: _____

Print Employee's Name: _____

**Employee's Florida Professional
Educator's Certificate Number:** _____

Employee's Signature: _____

Date: _____

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

SECURITY OF TESTS

4.61

All mandatory tests administered by or through the State Board of Education, District administered national norm-referenced achievement tests, and local assessments adopted under the provisions of §1008.22, F.S. shall be secured pursuant to Florida Statutes and State Board of Education rules.

- I. District and school personnel who have access to mandated tests shall be informed of test security laws and procedures and of penalties for breaches of test security.
 - A. The District testing coordinator shall instruct school test coordinators and school administrators who are assigned to supervise school testing programs on test security measures.
 - B. Principals shall be responsible for informing their faculty of test security measures.
- II. The loss of tests, cheating, or any other breach of test security procedures and laws shall be reported immediately to the District testing coordinator. Any unresolved problems in the District shall be reported to the Florida Department of Education pursuant to provisions in State Board of Education rules.
- III. The District testing coordinator shall coordinate the return and/or the destruction of test materials as directed by the Florida Department of Education.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.11(5), 1001.43,
1008.22, 1008.23, 1008.24, 1008.34, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-10.042

HISTORY:

ADOPTED: 04/21/15
REVISION DATE(S): N/A
FORMERLY: NEW

6A-10.042 Test Administration and Security.

(1) Tests implemented in accordance with the requirements of sections 1004.93, 1008.22, 1008.30, 1012.55 and 1012.56, F.S., shall be maintained and administered in a secure manner such that the integrity of the tests shall be preserved.

(a) Test questions shall be preserved in a secure manner by individuals who are developing and validating the tests. Such individuals shall not reveal in any manner, verbally or in writing, the test questions under development.

(b) Tests or individual test questions shall not be revealed, copied, or otherwise reproduced by persons who are involved in the administration, proctoring, or scoring of any test.

(c) Examinees shall not be assisted in answering test questions by any means by persons administering or proctoring the administration of any test.

(d) Examinees' answers to questions shall not be interfered with in any way by persons administering, proctoring, or scoring the examinations.

(e) Examinees shall not be given answer keys by any person.

(f) Persons who are involved in administering or proctoring the tests or persons who teach or otherwise prepare examinees for the tests shall not participate in, direct, aid, counsel, assist in, or encourage any activity which could result in the inaccurate measurement or reporting of the examinees' achievement.

(g) Each person who has access to tests or test questions during the development, printing, administration, or scoring of the tests shall be informed of specifications for maintaining test security, the provisions in statute and rule governing test security, and a description of the penalties for breaches of test security.

(h) During each test administration, school district and institutional test administration coordinators and contractors employing test administrators and proctors shall ensure that required testing procedures are being followed at all test administration sites. Officials from the Department are authorized to conduct unannounced observations of test administration procedures at any test administration site to ensure that testing procedures are being correctly followed.

(i) In accordance with section 1008.24, F.S., a school district may use district employees, such as education paraprofessionals as described in section 1012.37, F.S., to administer and proctor statewide, standardized assessments required under section 1008.22, F.S. All test administrators and proctors for the statewide assessments administered pursuant to rule 6A-1.09422, F.A.C., must complete training requirements outlined in Training Requirements for Administering and Proctoring the Statewide Assessments, 2015, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06180>) incorporated herein by reference. A copy may be obtained by contacting the Division of Accountability, Research and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Test materials, including all test booklets and other materials containing secure test questions, answer keys, and student responses, shall be kept secure and precisely accounted for in accordance with the procedures specified in the examination program administration manuals and other communications provided by the Department. Such procedures shall include but are not limited to the following:

- (a) All test materials shall be kept in secure, locked storage prior to and after administration of any test.
- (b) All test materials shall be precisely accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.
- (c) Any discrepancies noted in the number or serial numbers of testing materials received from contractors shall be reported to the Department by designated institutional or school district personnel prior to the administration of the test.
- (d) In the event that test materials are determined to be missing while in the possession of an institution or school district, designated institutional or school district personnel shall investigate the cause of the discrepancy and provide the Department with a report of the investigation within thirty (30) calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the Department are authorized to conduct additional investigations.
- (e) In those cases where the responsibility for secure destruction of certain test materials is assigned by the Department to designated institutional or school district personnel, the responsible institutional or school district representative shall certify in writing that such destruction was accomplished in a secure manner.
- (f) In those cases where test materials are permitted by the Department to be maintained in an institution or school district, the test materials shall be maintained in a secure manner as specified in the instructions provided by the Department. Access to the materials shall be limited to the individuals and purposes specified by the Department.

(3) In those situations where an employee of the educational institution, school district, or contractor, or an employee of the Department suspects a student of cheating on a test or suspects other violations of the provisions of this rule, a report shall be made to the department or test support contractor, as specified in the test administration procedures, within ten (10) calendar days. The report shall include a description of the incident, the names of the persons involved in or witness to the incident, and other information as appropriate. Officials from the Department are authorized to conduct additional investigations.

(4) Violations of test security provisions shall be subject to penalties provided in statute and State Board Rules.

(5) School districts and public educational institutions under section 1003.49, F.S., may contract with third-party contractors to administer and proctor statewide standardized assessments required under section 1008.22, F.S., or assessments associated with Florida approved courses under section 1003.499, F.S.

(a) School districts and educational institutions must require the contractor to provide a safe and comfortable facility that does not interfere with a student's ability to demonstrate mastery on the tests.

(b) School district or educational institution use of third-party contractors (including contracted affiliates, such as franchises) shall not relieve the district or institution of its obligation to provide access to statewide testing for Florida Virtual School or virtual charter school students pursuant to sections 1002.33(20), 1002.37 and 1002.45(6)(b), F.S.

(c) The contractor must adhere to all test administration and security protocols as prescribed by the Department pursuant to section 120.81(1)(c), F.S., and shall be subject to all provisions of this rule.

(d) The contractor must not collect nor maintain any student's personally-identifiable information beyond that required for test administration.

(e) All technology used to administer computer-based tests must meet assessment technology guidelines and online test security requirements as prescribed by the Department pursuant to section 120.81(1)(c), F.S.

Rulemaking Authority 1001.02, 1003.49, 1008.23, 1008.24 FS. Law Implemented 1003.49, 1008.23, 1008.24 FS. History—New 7-5-87, Amended 10-26-94, 11-3-13, 1-7-16.

Select Year:

The 2019 Florida Statutes

Title XLVIII

K-20 EDUCATION CODE

Chapter 1008

ASSESSMENT AND ACCOUNTABILITY

[View Entire Chapter](#)

1008.22 Student assessment program for public schools.—

(1) **PURPOSE.**—The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. This data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The program must be designed to:

- (a) Assess the achievement level and annual learning gains of each student in English Language Arts and mathematics and the achievement level in all other subjects assessed.
- (b) Provide data for making decisions regarding school accountability, recognition, and improvement of operations and management, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.
- (c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.
- (d) Assess how well educational goals and curricular standards are met at the school, district, state, national, and international levels.
- (e) Provide information to aid in the evaluation and development of educational programs and policies.
- (f) When available, provide instructional personnel with information on student achievement of standards and benchmarks in order to improve instruction.

(2) **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**—Florida school districts shall participate in the administration of the National Assessment of Educational Progress, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs that may be initiated, as directed by the commissioner. The assessments must be conducted using the data collection procedures, student surveys, educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessments being administered in Florida. The administration of such assessments shall be in addition to and separate from the administration of the statewide, standardized assessments.

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

²(a) *Statewide, standardized comprehensive assessments.*—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through

10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) *Implementation schedule.*—

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

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirements of this section.

(e) *Assessment scores and achievement levels.*—

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

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

3. If the commissioner seeks to revise a statewide, standardized assessment and the revisions require the state board to modify performance level scores, including the passing score, the commissioner shall provide a copy of the proposed scores and implementation plan to the President of the Senate and the Speaker of the House of Representatives at least 90 days before submission to the state board for review. Until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment that adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment. The state board shall adopt by rule the passing score for the revised assessment that is statistically equivalent to the passing score on the discontinued assessment for a student who is required to attain a passing score on the discontinued assessment. The commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. If the commissioner revises a statewide, standardized assessment and the revisions require the state board to modify the passing score, only students taking the assessment for the first time after the rule is adopted are affected.

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

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

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

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

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

(g) *Contracts for assessments.*—

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

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

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

(4) **SCHOOL PARTICIPATION IN THE STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.**—Each public school shall participate in the statewide, standardized assessment program in accordance with the assessment and reporting schedules and the minimum and recommended technology requirements published by the Commissioner of Education. District school boards shall not establish school calendars that conflict with or jeopardize implementation of the assessment program. All district school boards shall report assessment results using the state management information system. Performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used by districts in developing objectives for the school improvement plan, evaluating instructional personnel and administrative personnel, assigning staff, allocating resources, acquiring instructional materials and technology, implementing performance-based budgeting, and promoting and assigning students to educational programs. The analysis of student performance data must also identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. [1008.385](#) and the development of remediation programs.

(5) **REQUIRED ANALYSES.**—The commissioner shall provide, at a minimum, statewide, standardized assessment data analysis showing student achievement levels and learning gains by teacher, school, and school district.

(6) **LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE STANDARDS.**—

(a) Measurement of student performance is the responsibility of school districts except in those subjects and grade levels measured under the statewide, standardized assessment program described in this section. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

(b) The Commissioner of Education shall assist and support districts in measuring student performance on the state standards by maintaining a statewide item bank, facilitating the sharing of developed tests or test items among school districts, and providing technical assistance in best assessment practices. The commissioner may discontinue the item bank if he or she determines that district participation is insufficient for its sustainability.

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

(a) The Commissioner of Education shall establish schedules for the administration of statewide, standardized assessments and the reporting of student assessment results. The commissioner shall consider the observance of religious and school holidays when developing the schedules. The assessment and reporting schedules must provide the earliest

possible reporting of student assessment results to the school districts, consistent with the requirements of paragraph (3) (g). Assessment results for the statewide, standardized ELA and mathematics assessments and all statewide, standardized EOC assessments must be made available no later than June 30, except for results for the grade 3 statewide, standardized ELA assessment, which must be made available no later than May 31. School districts shall administer statewide, standardized assessments in accordance with the schedule established by the commissioner.

(b) By January of each year, beginning in 2018, the commissioner shall publish on the department's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next 2 school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information for reporting the district assessment schedules under paragraph (d):

1. Whether the assessment is a district-required assessment or a state-required assessment.
2. The specific date or dates that each assessment will be administered.
3. The time allotted to administer each assessment.
4. Whether the assessment is a computer-based assessment or a paper-based assessment.
5. The grade level or subject area associated with the assessment.
6. The date that the assessment results are expected to be available to teachers and parents.
7. The type of assessment, the purpose of the assessment, and the use of the assessment results.
8. A glossary of assessment terminology.
9. Estimates of average time for administering state-required and district-required assessments, by grade level.

(c) Beginning with the 2018-2019 school year, the spring administration of the statewide, standardized assessments in paragraphs (3)(a) and (b), excluding assessment retakes, must be in accordance with the following schedule:

1. The grade 3 statewide, standardized ELA assessment and the writing portion of the statewide, standardized ELA assessment for grades 4 through 10 must be administered no earlier than April 1 each year within an assessment window not to exceed 2 weeks.
2. With the exception of assessments identified in subparagraph 1., any statewide, standardized assessment that is delivered in a paper-based format must be administered no earlier than May 1 each year within an assessment window not to exceed 2 weeks.
3. With the exception of assessments identified in subparagraphs 1. and 2., any statewide, standardized assessment must be administered within a 4-week assessment window that opens no earlier than May 1 each year.

Each school district shall administer the assessments identified under subparagraphs 2. and 3. no earlier than 4 weeks before the last day of school for the district.

(d) Each school district shall establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district shall publish the testing schedules on its website using the uniform calendar, including all information required under paragraph (b), and submit the schedules to the Department of Education by October 1 of each year. Each public school shall publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar, including all information required under paragraph (b). The uniform calendar must be included in the parent guide required by s. [1002.23\(5\)](#).

(e) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized assessments are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. [1003.56](#). Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. [1007.27](#), [1008.30](#), and [1008.44](#).

(f) A statewide, standardized EOC assessment must be used as the final cumulative examination for its associated course. No additional final assessment may be administered in a course with a statewide, standardized EOC assessment. A

district-required local assessment may be used as the final cumulative examination for its associated course in accordance with the school district's policy.

(g) A school district must provide a student's performance results on district-required local assessments to the student's teachers within 1 week and to the student's parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.

(h) The results of statewide, standardized ELA and mathematics assessments, including assessment retakes, shall be reported in an easy-to-read and understandable format and delivered in time to provide useful, actionable information to students, parents, and each student's current teacher of record and teacher of record for the subsequent school year; however, in any case, the district shall provide the results pursuant to this paragraph within 1 week after receiving the results from the department. A report of student assessment results must, at a minimum, contain:

1. A clear explanation of the student's performance on the applicable statewide, standardized assessments.
2. Information identifying the student's areas of strength and areas in need of improvement.
3. Specific actions that may be taken, and the available resources that may be used, by the student's parent to assist his or her child based on the student's areas of strength and areas in need of improvement.
4. Longitudinal information, if available, on the student's progress in each subject area based on previous statewide, standardized assessment data.
5. Comparative information showing the student's score compared to other students in the school district, in the state, or, if available, in other states.
6. Predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

(i) The State Board of Education shall adopt rules for the development of the uniform calendar that, at minimum, define terms that must be used in the calendar to describe various assessments, including the terms "summative assessment," "formative assessment," and "interim assessment."

(8) PUBLICATION OF ASSESSMENTS.—To promote transparency in the statewide assessment program, in any procurement for the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8, the Department of Education shall solicit cost proposals for publication of the state assessments on its website in accordance with this subsection.

(a) The department shall publish each assessment administered under paragraph (3)(a) and subparagraph (3)(b)1., excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the Commissioner of Education. Each assessment, when published, must have been administered during the most recent school year and be in a format that facilitates the sharing of assessment items.

(b) The initial publication of assessments must occur no later than June 30, 2021, subject to appropriation, and must include, at a minimum, the grade 3 ELA and mathematics assessments, the grade 10 ELA assessment, and the Algebra I EOC assessment.

(c) The department must provide materials on its website to help the public interpret assessment information published pursuant to this subsection.

(9) CONCORDANT SCORES.—The Commissioner of Education must identify scores on the SAT and ACT that if achieved satisfy the graduation requirement that a student pass the grade 10 statewide, standardized Reading assessment or, upon implementation, the grade 10 ELA assessment. The commissioner may identify concordant scores on assessments other than the SAT and ACT. If the content or scoring procedures change for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment, new concordant scores must be determined. If new concordant scores are not timely adopted, the last-adopted concordant scores remain in effect until such time as new scores are adopted. The state board shall adopt concordant scores in rule.

(10) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT.—The Commissioner of Education must identify one or more comparative scores for the Algebra I EOC assessment. If the content or scoring procedures change for the EOC assessment, new comparative scores must be determined. If new comparative scores are not timely adopted, the last-adopted comparative scores remain in effect until such time as new scores are adopted. The state board shall adopt comparative scores in rule.

(11) **CHILD WITH MEDICAL COMPLEXITY.**—In addition to the exemption option provided for under s. [1008.212](#), effective July 1, 2014, a child with a medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the provisions of this subsection.

(a) *Definition of child with medical complexity.*—A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or chapter 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

(b) *Exemption options.*—If the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

1. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. The superintendent shall report annually to the district school board and the Commissioner of Education the number of students who are identified as a child with medical complexity who are not participating in the assessment program.

2. One- to three-year exemption approved by the Commissioner of Education. If the commissioner is provided written documentation of parental consent; district school superintendent approval; the IEP team's determination that the child is a child with medical complexity based upon appropriate medical documentation; and all medical documentation, then the commissioner may exempt the child from all statewide, standardized assessments, including the FAA, for up to 3 years. The State Board of Education shall adopt rules to administer this subparagraph which must expedite the process by which exemptions are reviewed and approved and which demonstrate the utmost compassion and consideration for meeting the parent's and child's needs.

3. Permanent exemption approved by the Commissioner of Education. If the commissioner is provided written documentation of parental consent; district school superintendent approval of a permanent exemption; the IEP team's determination that the child is a child with medical complexity based upon appropriate medical documentation and that a permanent exemption is appropriate; and all medical documentation, then the commissioner may approve a permanent exemption from all statewide, standardized assessments, including the FAA. The State Board of Education shall adopt rules to administer this subparagraph which must expedite the process by which exemptions are reviewed and approved and which demonstrate the utmost compassion and consideration for meeting the parent's and child's needs.

(c) *Reporting requirements.*—The Commissioner of Education shall annually report to the Legislature data, by district, related to the implementation of this subsection at the same time as results are reported regarding student performance on statewide, standardized assessments.

(12) **REPORTS.**—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which shall include the following:

- (a) Longitudinal performance of students in reading and mathematics.
- (b) Longitudinal performance of students by grade level in reading and mathematics.
- (c) Longitudinal performance regarding efforts to close the achievement gap.
- (d) Other student performance data based on national norm-referenced and criterion-referenced tests, if available; national assessments, such as the National Assessment of Educational Progress; and international assessments.
- (e) The number of students who after 8th grade enroll in adult education rather than other secondary education, which is defined as grades 9 through 12.
- (f) Any plan or intent to establish or implement new statewide, standardized assessments.

(13) **RULES.**—The State Board of Education shall adopt rules to implement this section.

History.—s. 368, ch. 2002-387; s. 7, ch. 2003-8; s. 2, ch. 2003-413; s. 49, ch. 2004-41; s. 3, ch. 2004-42; s. 5, ch. 2004-271; s. 40, ch. 2006-74; s. 174, ch. 2007-5; s. 7, ch. 2008-142; s. 18, ch. 2008-235; s. 99, ch. 2009-21; s. 8, ch. 2010-22; s. 4, ch. 2010-48; s. 3, ch. 2011-1; s. 20, ch. 2011-37; s. 8, ch. 2011-137; s. 25, ch. 2011-175; s. 22, ch. 2012-191; s. 5, ch. 2012-194; s. 33, ch. 2013-27; s. 55, ch. 2013-35; s. 4, ch. 2013-185; ss. 9, 12, ch. 2014-23; s. 71, ch. 2014-39; s. 115, ch. 2015-2; s. 7, ch. 2015-6; s. 95, ch. 2016-10; s. 35, ch. 2017-116; s. 28, ch. 2018-6; s. 14, ch. 2018-150.

¹Note.—Section 7, ch. 2013-250, provides that “[t]he technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, Florida Statutes, including online assessments, shall be load tested and independently verified as appropriate, adequate, efficient, and sustainable.”

²Note.—Section 49, ch. 2018-6, provides that:

“(1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering the provisions of this act.

“(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

“(3) This section shall take effect upon this act becoming a law and shall expire January 1, 2022.”

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Chapter 1008

ASSESSMENT AND ACCOUNTABILITY

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1008.24 Test administration and security; public records exemption.—

(1) A person may not knowingly and willfully violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. [1008.22](#), or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(3)(a) A school district may contract with qualified contractors to administer and proctor statewide, standardized assessments required under s. [1008.22](#) or assessments associated with Florida approved courses under s. [1003.499](#), as approved by the Department of Education in accordance with rules of the State Board of Education. Assessments may be administered or proctored by qualified contractors at sites that meet criteria established by rules of the State Board of Education and adopted pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement the contracting requirements of this subsection.

(b) A school district may use district employees, such as education paraprofessionals as described in s. [1012.37](#), to administer and proctor statewide, standardized assessments required under s. [1008.22](#) or assessments associated with Florida approved courses under s. [1003.499](#), in accordance with this section and related rules adopted by the State Board of Education. The rules must establish training requirements that must be successfully completed by district employees prior to the employees performing duties pursuant this paragraph.

(4)(a) A district school superintendent, a president of a public postsecondary educational institution, or a president of a nonpublic postsecondary educational institution shall cooperate with the Commissioner of Education in any investigation concerning the administration of a test administered pursuant to state statute or rule.

(b) The identity of a school or postsecondary educational institution, personal identifying information of any personnel of any school district or postsecondary educational institution, or any specific allegations of misconduct obtained or reported pursuant to an investigation conducted by the Department of Education of a testing impropriety are confidential and exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution until the conclusion of the investigation or until such time as the investigation ceases to be active. For the purpose of this paragraph, an investigation is deemed concluded upon a finding that no impropriety has occurred, upon the conclusion of any resulting preliminary investigation pursuant to s. [1012.796](#), upon the completion of any resulting investigation by a law enforcement agency, or upon the referral of the matter to an employer who has the authority to take disciplinary action against an individual who is suspected of a testing impropriety. For the purpose of this paragraph, an investigation is considered active so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) Exceptional students with disabilities, as defined in s. [1003.01\(3\)](#), shall have access to testing sites. The Department of Education and each school district shall adopt policies that are necessary to ensure such access.

History.—s. 370, ch. 2002-387; s. 1, ch. 2009-143; s. 7, ch. 2013-225; s. 1, ch. 2014-13; s. 8, ch. 2015-6.