

## House Bill No. 1739

An act relating to access to postsecondary education; creating s. 1007.02, F.S., relating to access to postsecondary education and meaningful careers for students with disabilities; defining the term “student with a disability”; amending s. 1003.43, F.S., relating to high school graduation requirements; deleting requirement that the life management skills course be taken at specific grade levels; requiring the State Board of Education to adopt rules providing for test accommodations and modifications of procedures for students with disabilities; requiring the award of a standard diploma to a student with a disability who meets certain criteria; amending s. 1007.263, F.S., relating to admissions of students to community colleges; requiring admissions counseling for students entering career credit programs; requiring the use of certain tests; providing criteria for certain students to enroll in certificate career education programs; providing eligibility for reasonable substitutions for students with documented disabilities; amending s. 1007.264, F.S.; providing eligibility for reasonable substitutions for admission to postsecondary educational institutions for certain students with disabilities; creating s. 1007.265, F.S.; providing eligibility for reasonable substitutions for requirements for graduation, study program admission, and upper-division entry for certain students with disabilities; requiring the State Board of Education to adopt rules and develop substitute requirements; amending s. 1007.27, F.S.; requiring the State Board of Education to review and report on the use of acceleration mechanisms and grading practices, including the weighting of courses, for credit and admission; amending s. 1008.22, F.S., relating to student assessment for public schools; providing a cross reference; amending s. 1002.21, F.S.; correcting a cross reference; providing an effective date.

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

Section 1. Section 1007.02, Florida Statutes, is created to read:

1007.02 Access to postsecondary education and meaningful careers for students with disabilities; popular name; definition.—

(1) This section shall be known by the popular name the “Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act.”

(2) For the purposes of this act, the term “student with a disability” means any student who is documented as having mental retardation; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; a serious emotional disturbance, including an emotional handicap; an orthopedic impairment; autism; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

Section 2. Paragraph (i) of subsection (1) and subsections (8), (9), and (10) of section 1003.43, Florida Statutes, are amended, subsections (11) and (12) are renumbered as subsections (12) and (13), respectively, and a new subsection (11) is added to said section, to read:

1003.43 General requirements for high school graduation.—

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. ~~Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.~~

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(6), taken through dual enrollment.

(8) The State Board of Education, after a public hearing and consideration, shall adopt rules based upon the recommendations of the commissioner for the provision of test accommodations and modifications of procedures as necessary make provision for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities which will demonstrate the student's abilities in order to ensure that the results of the testing represent the student's achievement, rather than ~~reflect~~ reflecting the student's impaired sensory, manual, speaking, or psychological process skills.

~~(9)~~(10) The public hearing and consideration required in subsection (8) 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. 1008.23.

(10)(a)(9) A student who meets all requirements prescribed in subsections (1), (4), and (5) shall be awarded a standard diploma in a form prescribed by the State Board of Education. A district school board may attach the Florida gold seal career ~~and technical~~ endorsement to a standard diploma or, instead of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums.

(b) A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (4), but who is unable to meet the standards of paragraph (5)(a), paragraph (5)(b), or paragraph (5)(c), shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(11)(a) Each district school board must provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.

(b) A student with a disability, as defined in s. 1007.02(2), for whom the individual educational plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities taking into consideration all allowable accommodations, shall have the FCAT requirement of paragraph (5)(a) waived for the purpose of receiving a standard high school diploma, if the student:

1. Completes the minimum number of credits and other requirements prescribed by subsections (1) and (4).

2. Does not meet the requirements of paragraph (5)(a) after one opportunity in 10th grade and one opportunity in 11th grade.

Section 3. Subsection (1) of section 1007.263, Florida Statutes, is amended, and subsections (4) and (5) are added to said section, to read:

1007.263 Community colleges; admissions of students.—Each community college board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Education. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college ~~or career credit programs,~~ which Counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs or tests to measure achievement of basic skills for career programs as prescribed in s. 1004.91.

(4) A student who has been awarded a special diploma as defined in s. 1003.438 or a certificate of completion as defined in s. 1003.43(10) is eligible to enroll in certificate career education programs.

(5) A student with a documented disability may be eligible for reasonable substitutions, as prescribed in ss. 1007.264 and 1007.265.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 4. Section 1007.264, Florida Statutes, is amended, to read:

1007.264 Impaired and learning disabled persons; admission to postsecondary educational institutions; and graduation, substitute requirements; rules.—Any student with a disability, as defined in s. 1007.02(2), except those students who have been documented as having mental retardation person who is hearing impaired, visually impaired, or dyslexic, or who has a specific learning disability, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution, admission into a program of study, or graduation, where documentation can be provided that the person’s failure to meet the admission requirement is related to the disability and where the failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program. The State Board of Education shall adopt rules to implement this section and shall develop substitute admission requirements where appropriate.

Section 5. Section 1007.265, Florida Statutes, is created to read:

1007.265 Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules.—Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, except those students who have been documented as having mental retardation, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person’s failure to meet the requirement is related to the disability and where failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program. The State Board of Education shall adopt rules to implement this section and shall develop substitute requirements where appropriate.

Section 6. Subsection (11) is added to section 1007.27, Florida Statutes, to read:

1007.27 Articulated acceleration mechanisms.—

(11)(a) The State Board of Education shall conduct a review of the extent to which the acceleration mechanisms authorized by this section are currently utilized by school districts and public postsecondary educational insti-

tutions and shall submit a report to the Governor and the Legislature by December 31, 2003.

(b) The report must include a summary of ongoing activities and a plan to increase and enhance the use of acceleration mechanisms as a way to shorten the length of time as well as the funding required for a student, including a student with a documented disability, to obtain a postsecondary degree.

(c) The review and plan shall address, but are not limited to, the following issues:

1. The manner in which students, including students with documented disabilities, are advised regarding the availability of acceleration mechanism options.

2. The availability of acceleration mechanism options to eligible students, including students with documented disabilities, who wish to participate.

3. The grading practices, including weighting of courses, of school districts and public postsecondary educational institutions with regard to credit earned through acceleration mechanisms.

4. The extent to which credit earned through an acceleration mechanism is used to meet the general education requirements of a public postsecondary educational institution.

5. The extent to which the secondary instruction associated with acceleration mechanism options could be offered at sites other than public K through 12 school sites to assist in meeting class size reduction needs.

6. The manner in which funding for instruction associated with acceleration mechanism options is provided.

7. The feasibility of providing students, including students with documented disabilities, the option of choosing Advanced Placement credit or College Level Examination Program (CLEP) credit as an alternative to dual enrollment credit upon completion of a dual enrollment course.

Section 7. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended, to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the

statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests 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 shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 and thereafter shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juve-

nile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

Section 8. Subsection (2) of section 1002.21, Florida Statutes, is amended to read:

1002.21 Postsecondary student and parent rights.—

(2) **LEARNING DISABLED STUDENTS.**—Impaired and learning disabled students may be eligible for reasonable substitution for admission, graduation, and upper-level division requirements of public postsecondary educational institutions, in accordance with the provisions of ss. s. 1007.264 and 1007.265.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor April 24, 2003.

Filed in Office Secretary of State April 24, 2003.