

1 A bill to be entitled
2 An act relating to students having a
3 disability; creating s. 232.2464, F.S.;
4 providing a definition; providing eligibility
5 for accommodations in taking the Florida
6 Comprehensive Assessment Test or the High
7 School Competency Test required for high school
8 graduation; directing the Governor to appoint a
9 validity panel to make recommendations on the
10 impacts of specific accommodations; providing
11 requirements for eligibility for a standard
12 high school diploma; providing for adoption of
13 rules; providing for funding for
14 accommodations; providing an effective date.

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

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18 Section 1. Section 232.2464, Florida Statutes, is
19 created to read:

20 232.2464 Students having a disability; graduation
21 requirements.--

22 (1) For purposes of this section, "student having a
23 disability" means any student who is mentally retarded or who
24 has a hearing impairment, including deafness; speech or
25 language impairment; visual impairment, including blindness;
26 serious emotional disturbance; orthopedic impairment; autism;
27 traumatic brain injury; other health impairments; or a
28 specific learning disability, including, but not limited to,
29 dyslexia, dyscalculia, or aphasia, or any student who is
30 hospitalized or homebound.

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1 (2) A student having a disability shall be eligible
2 for accommodations in taking the Florida Comprehensive
3 Assessment Test (FCAT) or the High School Competency Test
4 (HSCT) if such accommodations are allowed in the classrooms or
5 for testing. Accommodations shall be considered allowable,
6 valid, and scoreable if they are used during classroom
7 instruction or assessment and are identified in the student's
8 Individual Education Plan or 504 Plan. However, a student
9 having a disability must demonstrate, with use of the
10 accommodations, mastery of Sunshine State Standards with
11 scores equal to those required of standard-diploma students. A
12 student who receives accommodations and demonstrates mastery
13 pursuant to this subsection is eligible for a standard high
14 school diploma upon successful completion of coursework
15 required for graduation.

16 (3) The Governor shall convene a validity panel to
17 make comprehensive recommendations on the impacts of specific
18 accommodations on statewide assessments to the Florida Board
19 of Education by October 1, 2002. These recommendations must be
20 based on an evaluation and analysis of the types of
21 accommodations that are used for instructional purposes as
22 identified in the student's Individual Education Plan or 504
23 plan. The recommendations must include a review of the impact
24 of these accommodations on the validity of the statewide
25 assessments and must be based on proven research and evidence.
26 The panel shall consist of 11 members appointed by the
27 Governor, and shall include 3 advocates, 3 parents of students
28 with disabilities, 3 professional educators with expertise in
29 programs for students with disabilities, and 2 assessment and
30 testing experts. Based on the recommendations by the panel,
31 the Florida Board of Education shall develop a list of

1 specific accommodations scientifically determined to have a
2 negative impact on the validity of statewide assessments. The
3 determinations must be made by February 1, 2003.

4 (4) The Individual Education Plan team or 504 Plan
5 team and the parents of a student shall be responsible for
6 identifying the accommodations for a student having a
7 disability for coursework and assessment, including statewide
8 assessment, based on compliance standards of the Americans
9 with Disabilities Act and the Individuals with Disabilities
10 Education Act and s. 228.041(18).

11 (5) The Florida Board of Education shall adopt rules
12 necessary to administer this section.

13 (6) The Department of Education shall provide
14 sufficient funding to enable each school district to provide
15 appropriate accommodations for statewide assessment for all
16 students having a disability.

17 Section 2. This act shall take effect January 1, 2003.
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