

hbd-38 Bill No. CS for CS for SB 1564, 1st Eng.  
Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ausley offered the following:

**Amendment to Amendment (394497)**

On page 821, between lines 9 & 10, of the amendment

insert:

Section 370. Effective upon this act becoming a law, section 1008.225, Florida Statutes, is created to read:

1008.225 Students having a disability; graduation requirements.--

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

(2) A student having a disability shall be eligible for accommodations in taking the Florida Comprehensive

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

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

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1 determinations must be made by February 1, 2003.

2 (4) The Individual Education Plan team or 504 Plan  
3 team and the parents of a student shall be responsible for  
4 identifying the accommodations for a student having a  
5 disability for coursework and assessment, including statewide  
6 assessment, based on compliance standards of the Americans  
7 with Disabilities Act and the Individuals with Disabilities  
8 Education Act and s. 1003.01(3)(a).

9 (5) The State Board of Education shall adopt rules  
10 necessary to administer this section.

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

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