



HB 1739

2003

1 A bill to be entitled

2 An act relating to access to postsecondary education;
3 creating s. 1007.02, F.S., relating to access to
4 postsecondary education and meaningful careers for
5 students with disabilities; defining the term "student
6 with a disability"; amending s. 1003.43, F.S., relating to
7 high school graduation requirements; deleting requirement
8 that the life management skills course be taken at
9 specific grade levels; requiring the State Board of
10 Education to adopt rules providing for test accommodations
11 and modifications of procedures for students with
12 disabilities; requiring the award of a standard diploma to
13 a student with a disability who meets certain criteria;
14 amending s. 1007.263, F.S., relating to admissions of
15 students to community colleges; requiring admissions
16 counseling for students entering career credit programs;
17 requiring the use of certain tests; providing criteria for
18 certain students to enroll in certificate career education
19 programs; providing eligibility for reasonable
20 substitutions for students with documented disabilities;
21 amending s. 1007.264, F.S.; providing eligibility for
22 reasonable substitutions for admission to postsecondary
23 educational institutions for certain students with
24 disabilities; creating s. 1007.265, F.S.; providing
25 eligibility for reasonable substitutions for requirements
26 for graduation, study program admission, and upper-
27 division entry for certain students with disabilities;
28 requiring the State Board of Education to adopt rules and
29 develop substitute requirements; amending s. 1007.27,
30 F.S.; requiring the State Board of Education to review and



HB 1739

2003

31 report on the use of acceleration mechanisms and grading
 32 practices, including the weighting of courses, for credit
 33 and admission; amending s. 1008.22, F.S., relating to
 34 student assessment for public schools; providing a cross
 35 reference; amending s. 1002.21, F.S.; correcting a cross
 36 reference; providing an effective date.

37

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

39

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

42 1007.02 Access to postsecondary education and meaningful
 43 careers for students with disabilities; popular name;
 44 definition.--

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

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

57 Section 2. Paragraph (i) of subsection (1) and subsections
 58 (8), (9), and (10) of section 1003.43, Florida Statutes, are
 59 amended, subsections (11) and (12) are renumbered as subsections



HB 1739

2003

60 (12) and (13), respectively, and a new subsection (11) is added
61 to said section, to read:

62 1003.43 General requirements for high school graduation.--

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

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

78
79 District school boards may award a maximum of one-half credit in
80 social studies and one-half elective credit for student
81 completion of nonpaid voluntary community or school service
82 work. Students choosing this option must complete a minimum of
83 75 hours of service in order to earn the one-half credit in
84 either category of instruction. Credit may not be earned for
85 service provided as a result of court action. District school
86 boards that approve the award of credit for student volunteer
87 service shall develop guidelines regarding the award of the
88 credit, and school principals are responsible for approving
89 specific volunteer activities. A course designated in the Course



HB 1739

2003

90 Code Directory as grade 9 through grade 12 that is taken below
 91 the 9th grade may be used to satisfy high school graduation
 92 requirements or Florida Academic Scholars award requirements as
 93 specified in a district school board's student progression plan.
 94 A student shall be granted credit toward meeting the
 95 requirements of this subsection for equivalent courses, as
 96 identified pursuant to s. 1007.271(6), taken through dual
 97 enrollment.

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

109 ~~(9)(10)~~ The public hearing and consideration required in
 110 subsection (8) shall not be construed to amend or nullify the
 111 requirements of security relating to the contents of
 112 examinations or assessment instruments and related materials or
 113 data as prescribed in s. 1008.23.

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



HB 1739

2003

119 the standard diploma, award differentiated diplomas to those
120 exceeding the prescribed minimums.

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

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

137 (b) A student with a disability, as defined in s.
138 1007.02(2), for whom the individual educational plan (IEP)
139 committee determines that the FCAT cannot accurately measure the
140 student's abilities taking into consideration all allowable
141 accommodations, shall have the FCAT requirement of paragraph
142 (5)(a) waived for the purpose of receiving a standard high
143 school diploma, if the student:

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

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



HB 1739

2003

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

152 1007.263 Community colleges; admissions of students.--Each
153 community college board of trustees is authorized to adopt rules
154 governing admissions of students subject to this section and
155 rules of the State Board of Education. These rules shall include
156 the following:

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

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

168 (5) A student with a documented disability may be eligible
169 for reasonable substitutions, as prescribed in ss. 1007.264 and
170 1007.265.

171
172 Each board of trustees shall establish policies that notify
173 students about, and place students into, adult basic education,
174 adult secondary education, or other instructional programs that
175 provide students with alternatives to traditional college-
176 preparatory instruction, including private provider instruction.
177 A student is prohibited from enrolling in additional college-



HB 1739

2003

178 level courses until the student scores above the cut-score on
179 all sections of the common placement test.

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

182 1007.264 Impaired and learning disabled persons; admission
183 to postsecondary educational institutions; and graduation,
184 substitute requirements; rules.--Any student with a disability,
185 as defined in s. 1007.02(2), except those students who have been
186 documented as having mental retardation ~~person who is hearing~~
187 ~~impaired, visually impaired, or dyslexic, or who has a specific~~
188 ~~learning disability,~~ shall be eligible for reasonable
189 substitution for any requirement for admission into a public
190 postsecondary educational institution, ~~admission into a program~~
191 ~~of study, or graduation,~~ where documentation can be provided
192 that the person's failure to meet the admission requirement is
193 related to the disability ~~and where the failure to meet the~~
194 ~~graduation requirement or program admission requirement does not~~
195 ~~constitute a fundamental alteration in the nature of the~~
196 ~~program.~~ The State Board of Education shall adopt rules to
197 implement this section and shall develop substitute admission
198 requirements where appropriate.

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

201 1007.265 Impaired and learning disabled persons;
202 graduation, study program admission, and upper-division entry;
203 substitute requirements; rules.--Any student with a disability,
204 as defined in s. 1007.02(2), in a public postsecondary
205 educational institution, except those students who have been
206 documented as having mental retardation, shall be eligible for
207 reasonable substitution for any requirement for graduation, for



HB 1739

2003

208 admission into a program of study, or for entry into the upper
209 division where documentation can be provided that the person's
210 failure to meet the requirement is related to the disability and
211 where failure to meet the graduation requirement or program
212 admission requirement does not constitute a fundamental
213 alteration in the nature of the program. The State Board of
214 Education shall adopt rules to implement this section and shall
215 develop substitute requirements where appropriate.

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

218 1007.27 Articulated acceleration mechanisms.--

219 (11)(a) The State Board of Education shall conduct a
220 review of the extent to which the acceleration mechanisms
221 authorized by this section are currently utilized by school
222 districts and public postsecondary educational institutions and
223 shall submit a report to the Governor and the Legislature by
224 December 31, 2003.

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

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

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



HB 1739

2003

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

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

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

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

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

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

257 Section 7. Paragraph (c) of subsection (3) of section
 258 1008.22, Florida Statutes, is amended, to read:

259 1008.22 Student assessment program for public schools.--

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



HB 1739

2003

266 Pursuant to the statewide assessment program, the commissioner
267 shall:

268 (c) Develop and implement a student achievement testing
269 program known as the Florida Comprehensive Assessment Test
270 (FCAT) as part of the statewide assessment program, to be
271 administered annually in grades 3 through 10 to measure reading,
272 writing, science, and mathematics. Other content areas may be
273 included as directed by the commissioner. The testing program
274 must be designed so that:

275 1. The tests measure student skills and competencies
276 adopted by the State Board of Education as specified in
277 paragraph (a). The tests must measure and report student
278 proficiency levels in reading, writing, mathematics, and
279 science. The commissioner shall provide for the tests to be
280 developed or obtained, as appropriate, through contracts and
281 project agreements with private vendors, public vendors, public
282 agencies, postsecondary educational institutions, or school
283 districts. The commissioner shall obtain input with respect to
284 the design and implementation of the testing program from state
285 educators and the public.

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

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



HB 1739

2003

296 4. A score is designated for each subject area tested,
297 below which score a student's performance is deemed inadequate.

298 The school districts shall provide appropriate remedial
299 instruction to students who score below these levels.

300 5. Except as provided in s. 1003.43(11)(b), students must
301 earn a passing score on the grade 10 assessment test described
302 in this paragraph in reading, writing, and mathematics to
303 qualify for a regular high school diploma. The State Board of
304 Education shall designate a passing score for each part of the
305 grade 10 assessment test. In establishing passing scores, the
306 state board shall consider any possible negative impact of the
307 test on minority students. All students who took the grade 10
308 FCAT during the 2000-2001 school year shall be required to earn
309 the passing scores in reading and mathematics established by the
310 State Board of Education for the March 2001 test administration.

311 Such students who did not earn the established passing scores
312 and must repeat the grade 10 FCAT are required to earn the
313 passing scores established for the March 2001 test
314 administration. All students who take the grade 10 FCAT for the
315 first time in March 2002 and thereafter shall be required to
316 earn the passing scores in reading and mathematics established
317 by the State Board of Education for the March 2002 test
318 administration. The State Board of Education shall adopt rules
319 which specify the passing scores for the grade 10 FCAT. Any
320 such rules, which have the effect of raising the required
321 passing scores, shall only apply to students taking the grade 10
322 FCAT after such rules are adopted by the State Board of
323 Education.

324 6. Participation in the testing program is mandatory for
325 all students attending public school, including students served



HB 1739

2003

326 in Department of Juvenile Justice programs, except as otherwise
327 prescribed by the commissioner. If a student does not
328 participate in the statewide assessment, the district must
329 notify the student's parent and provide the parent with
330 information regarding the implications of such nonparticipation.
331 If modifications are made in the student's instruction to
332 provide accommodations that would not be permitted on the
333 statewide assessment tests, the district must notify the
334 student's parent of the implications of such instructional
335 modifications. A parent must provide signed consent for a
336 student to receive instructional modifications that would not be
337 permitted on the statewide assessments and must acknowledge in
338 writing that he or she understands the implications of such
339 accommodations. The State Board of Education shall adopt rules,
340 based upon recommendations of the commissioner, for the
341 provision of test accommodations and modifications of procedures
342 as necessary for students in exceptional education programs and
343 for students who have limited English proficiency.
344 Accommodations that negate the validity of a statewide
345 assessment are not allowable.

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

349 8. District school boards must provide instruction to
350 prepare students to demonstrate proficiency in the skills and
351 competencies necessary for successful grade-to-grade progression
352 and high school graduation. If a student is provided with
353 accommodations or modifications that are not allowable in the
354 statewide assessment program, as described in the test manuals,
355 the district must inform the parent in writing and must provide



HB 1739

2003

356 the parent with information regarding the impact on the
 357 student's ability to meet expected proficiency levels in
 358 reading, writing, and math. The commissioner shall conduct
 359 studies as necessary to verify that the required skills and
 360 competencies are part of the district instructional programs.

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

366
 367 The commissioner may design and implement student testing
 368 programs, for any grade level and subject area, necessary to
 369 effectively monitor educational achievement in the state.

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

372 1002.21 Postsecondary student and parent rights.--

373 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
 374 disabled students may be eligible for reasonable substitution
 375 for admission, graduation, and upper-level division requirements
 376 of public postsecondary educational institutions, in accordance
 377 with the provisions of ss. ~~§~~ 1007.264 and 1007.265.

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