

By Senator Wise

5-1194D-03

See HB 1739

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

1 substitutions for requirements for graduation,
2 study program admission, and upper-division
3 entry for certain students with disabilities;
4 requiring the State Board of Education to adopt
5 rules and develop substitute requirements;
6 amending s. 1007.27, F.S.; requiring the State
7 Board of Education to review and report on the
8 use of acceleration mechanisms and grading
9 practices, including the weighting of courses,
10 for credit and admission; amending s. 1008.22,
11 F.S., relating to student assessment for public
12 schools; providing a cross-reference; amending
13 s. 1002.21, F.S.; correcting a cross-reference;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 1007.02 Access to postsecondary education and
21 meaningful careers for students with disabilities; popular
22 name; definition.--

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

26 (2) For the purposes of this act, the term "student
27 with a disability" means any student who is documented as
28 having mental retardation; a hearing impairment, including
29 deafness; a speech or language impairment; a visual
30 impairment, including blindness; a serious emotional
31 disturbance, including an emotional handicap; an orthopedic

1 impairment; autism; a traumatic brain injury; or a specific
2 learning disability, including, but not limited to, dyslexia,
3 dyscalculia, or developmental aphasia.

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

9 1003.43 General requirements for high school
10 graduation.--

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

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

26
27 District school boards may award a maximum of one-half credit
28 in social studies and one-half elective credit for student
29 completion of nonpaid voluntary community or school service
30 work. Students choosing this option must complete a minimum of
31 75 hours of service in order to earn the one-half credit in

1 either category of instruction. Credit may not be earned for
2 service provided as a result of court action. District school
3 boards that approve the award of credit for student volunteer
4 service shall develop guidelines regarding the award of the
5 credit, and school principals are responsible for approving
6 specific volunteer activities. A course designated in the
7 Course Code Directory as grade 9 through grade 12 that is
8 taken below the 9th grade may be used to satisfy high school
9 graduation requirements or Florida Academic Scholars award
10 requirements as specified in a district school board's student
11 progression plan. A student shall be granted credit toward
12 meeting the requirements of this subsection for equivalent
13 courses, as identified pursuant to s. 1007.271(6), taken
14 through dual enrollment.

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

26 (9)~~(10)~~ The public hearing and consideration required
27 in subsection (8) shall not be construed to amend or nullify
28 the requirements of security relating to the contents of
29 examinations or assessment instruments and related materials
30 or data as prescribed in s. 1008.23.

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

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

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

24 **(b)** A student with a disability, as defined in s.
25 1007.02(2), for whom the individual educational plan (IEP)
26 committee determines that the FCAT cannot accurately measure
27 the student's abilities taking into consideration all
28 allowable accommodations, shall have the FCAT requirement of
29 paragraph (5)(a) waived for the purpose of receiving a
30 standard high school diploma, if the student:

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

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

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

9 1007.263 Community colleges; admissions of
10 students.--Each community college board of trustees is
11 authorized to adopt rules governing admissions of students
12 subject to this section and rules of the State Board of
13 Education. These rules shall include the following:

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

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

25 (5) A student with a documented disability may be
26 eligible for reasonable substitutions, as prescribed in ss.
27 1007.264 and 1007.265.

28
29 Each board of trustees shall establish policies that notify
30 students about, and place students into, adult basic
31 education, adult secondary education, or other instructional

1 programs that provide students with alternatives to
2 traditional college-preparatory instruction, including private
3 provider instruction. A student is prohibited from enrolling
4 in additional college-level courses until the student scores
5 above the cut-score on all sections of the common placement
6 test.

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

9 1007.264 Impaired and learning disabled persons;
10 admission to postsecondary educational institutions; and
11 graduation, substitute requirements; rules.--Any student with
12 a disability, as defined in s. 1007.02(2), except those
13 students who have been documented as having mental retardation
14 ~~person who is hearing impaired, visually impaired, or~~
15 ~~dyslexic, or who has a specific learning disability, shall be~~
16 eligible for reasonable substitution for any requirement for
17 admission into a public postsecondary educational institution,
18 ~~admission into a program of study, or graduation, where~~
19 documentation can be provided that the person's failure to
20 meet the admission requirement is related to the disability
21 ~~and where the failure to meet the graduation requirement or~~
22 ~~program admission requirement does not constitute a~~
23 ~~fundamental alteration in the nature of the program.~~ The State
24 Board of Education shall adopt rules to implement this section
25 and shall develop substitute admission requirements where
26 appropriate.

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

29 1007.265 Impaired and learning disabled persons;
30 graduation, study program admission, and upper-division entry;
31 substitute requirements; rules.--Any student with a

1 disability, as defined in s. 1007.02(2), in a public
2 postsecondary educational institution, except those students
3 who have been documented as having mental retardation, shall
4 be eligible for reasonable substitution for any requirement
5 for graduation, for admission into a program of study, or for
6 entry into the upper division where documentation can be
7 provided that the person's failure to meet the requirement is
8 related to the disability and where failure to meet the
9 graduation requirement or program admission requirement does
10 not constitute a fundamental alteration in the nature of the
11 program. The State Board of Education shall adopt rules to
12 implement this section and shall develop substitute
13 requirements where appropriate.

14 Section 6. Subsection (11) is added to section
15 1007.27, Florida Statutes, to read:

16 1007.27 Articulated acceleration mechanisms.--

17 (11)(a) The State Board of Education shall conduct a
18 review of the extent to which the acceleration mechanisms
19 authorized by this section are currently utilized by school
20 districts and public postsecondary educational institutions
21 and shall submit a report to the Governor and the Legislature
22 by December 31, 2003.

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

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

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

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

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

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

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

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

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

26 Section 7. Paragraph (c) of subsection (3) of section
27 1008.22, Florida Statutes, is amended, to read:

28 1008.22 Student assessment program for public
29 schools.--

30 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
31 shall design and implement a statewide program of educational

1 assessment that provides information for the improvement of
2 the operation and management of the public schools, including
3 schools operating for the purpose of providing educational
4 services to youth in Department of Juvenile Justice programs.
5 Pursuant to the statewide assessment program, the commissioner
6 shall:

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

14 1. The tests measure student skills and competencies
15 adopted by the State Board of Education as specified in
16 paragraph (a). The tests must measure and report student
17 proficiency levels in reading, writing, mathematics, and
18 science. The commissioner shall provide for the tests to be
19 developed or obtained, as appropriate, through contracts and
20 project agreements with private vendors, public vendors,
21 public agencies, postsecondary educational institutions, or
22 school districts. The commissioner shall obtain input with
23 respect to the design and implementation of the testing
24 program from state educators and the public.

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

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

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

9 5. Except as provided in s. 1003.43(11)(b), students
10 must earn a passing score on the grade 10 assessment test
11 described in this paragraph in reading, writing, and
12 mathematics to qualify for a regular high school diploma. The
13 State Board of Education shall designate a passing score for
14 each part of the grade 10 assessment test. In establishing
15 passing scores, the state board shall consider any possible
16 negative impact of the test on minority students. All students
17 who took the grade 10 FCAT during the 2000-2001 school year
18 shall be required to earn the passing scores in reading and
19 mathematics established by the State Board of Education for
20 the March 2001 test administration. Such students who did not
21 earn the established passing scores and must repeat the grade
22 10 FCAT are required to earn the passing scores established
23 for the March 2001 test administration. All students who take
24 the grade 10 FCAT for the first time in March 2002 and
25 thereafter shall be required to earn the passing scores in
26 reading and mathematics established by the State Board of
27 Education for the March 2002 test administration. The State
28 Board of Education shall adopt rules which specify the passing
29 scores for the grade 10 FCAT. Any such rules, which have the
30 effect of raising the required passing scores, shall only

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1 apply to students taking the grade 10 FCAT after such rules
2 are adopted by the State Board of Education.

3 6. Participation in the testing program is mandatory
4 for all students attending public school, including students
5 served in Department of Juvenile Justice programs, except as
6 otherwise prescribed by the commissioner. If a student does
7 not participate in the statewide assessment, the district must
8 notify the student's parent and provide the parent with
9 information regarding the implications of such
10 nonparticipation. If modifications are made in the student's
11 instruction to provide accommodations that would not be
12 permitted on the statewide assessment tests, the district must
13 notify the student's parent of the implications of such
14 instructional modifications. A parent must provide signed
15 consent for a student to receive instructional modifications
16 that would not be permitted on the statewide assessments and
17 must acknowledge in writing that he or she understands the
18 implications of such accommodations. The State Board of
19 Education shall adopt rules, based upon recommendations of the
20 commissioner, for the provision of test accommodations and
21 modifications of procedures as necessary for students in
22 exceptional education programs and for students who have
23 limited English proficiency. Accommodations that negate the
24 validity of a statewide assessment are not allowable.

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

28 8. District school boards must provide instruction to
29 prepare students to demonstrate proficiency in the skills and
30 competencies necessary for successful grade-to-grade
31 progression and high school graduation. If a student is

1 provided with accommodations or modifications that are not
2 allowable in the statewide assessment program, as described in
3 the test manuals, the district must inform the parent in
4 writing and must provide the parent with information regarding
5 the impact on the student's ability to meet expected
6 proficiency levels in reading, writing, and math. The
7 commissioner shall conduct studies as necessary to verify that
8 the required skills and competencies are part of the district
9 instructional programs.

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

16
17 The commissioner may design and implement student testing
18 programs, for any grade level and subject area, necessary to
19 effectively monitor educational achievement in the state.

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

22 1002.21 Postsecondary student and parent rights.--

23 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
24 disabled students may be eligible for reasonable substitution
25 for admission, graduation, and upper-level division
26 requirements of public postsecondary educational institutions,
27 in accordance with the provisions of ~~ss.~~1007.264 and
28 1007.265.

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

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