

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Students With Disabilities

The bill creates s. 1007.02, F.S., entitled the Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. The bill’s purpose is to provide disabled students with access to postsecondary education and meaningful career opportunities. The act defines a “student with a disability” as 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 the emotionally handicapped;
- an orthopedic impairment;
- autism;
- a traumatic brain injury; or
- a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.¹

High School Graduation Requirements

Section 1003.43, F.S., prescribes the requirements for high school graduation. A new subsection (11) is created. It requires each district school board to prepare students with disabilities to demonstrate proficiency for successful progression through school and graduation. Additionally, the new subsection (11) allows a disabled student who has:

- completed the academic credits and other requirements prescribed in subsections (1) and (4) of s. 1003.43, F.S., and
- taken the FCAT in the 10th grade and again in the 11th grade, but failed to earn a passing score on either attempt

to receive a standard high school diploma if the Individual Education Plan committee determines that the FCAT cannot accurately measure the student’s abilities taking into consideration all

¹ The definition is based, in part, on provisions found in s. 1401 of 20 U.S.C. (Education of Individuals with Disabilities)

allowable accommodations. In such circumstances, the requirement of s. 1003.43(5)(a), F.S., which specifies that a passing FCAT score is a standard of graduation, **is waived**.

Additionally, the bill :

- Removes the requirement that students take Life Management Skills classes in the ninth or tenth grade in order to receive credit.
- Requires the State Board of Education adopt rules to provide test accommodations and modifications that test the abilities of disabled students.
- Requires the district school boards to provide instruction to prepare disabled students for grade-to-grade progression and graduation.

In providing a new opportunity for disabled students to receive a standard high school diploma, the bill neither jeopardizes the validity of the FCAT nor affects the No Child Left Behind Act's requirement that students with disabilities participate in the statewide assessment program.

Admissions of Students to Community Colleges and Post Secondary Institutions

Section 1007.263, F.S., prescribes the requirements for admission to community college. Under current law, admissions counseling must be provided to all students entering college credit programs. The bill amends s. 1007.263(1), F.S., to add a requirement that admissions counseling also be provided to students entering career credit programs and that tests measuring basic skills for career programs be utilized.

The bill specifies that students who have been awarded a special diploma or a certification of completion are eligible to enroll in career education programs; that students seeking admission to college credit postsecondary career programs must meet associate-degree program standards; and that students with documented disabilities are eligible for reasonable substitutions to obtain such admission.

Reasonable substitutions are also made available for admission to postsecondary educational institutions, pursuant to s. 1007.264, F.S., which is amended to incorporate the definition of a "student with a disability."

Substitute Requirements For Impaired and Learning Disabled Students

This bill creates s. 1007.265, F.S., providing that if a disability other than mental retardation prevents a student who is enrolled in a public postsecondary educational institution from meeting an admission or graduation requirement, but does not prevent the student from following the fundamental design of the program, the student may be eligible for a reasonable substitution for the requirement. The bill also provides that the State Board of Education will promulgate rules to implement this section and identify substitute requirements, where appropriate.

Articulated Acceleration Mechanisms

The bill creates s. 1007.27(11), F.S., relating to articulated acceleration mechanisms. Articulated acceleration is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma or a postsecondary degree, as well as to broaden the scope of curricular options available to students, and increase the depth of study available

for a particular subject.² The bill requires the State Board of Education to conduct a review of the current utilization of acceleration methods in school districts and public postsecondary institutions. This report must be delivered to the Governor and Legislature no later than December 31, 2003, and must describe:

- Ongoing activities.
- The manner in which all students are advised of the availability of acceleration methods.
- The availability of acceleration methods to eligible students who wish to participate.
- The grading mechanisms employed with regard to the credit given for acceleration methods.
- The extent this credit is used to meet general education requirements.
- The extent to which acceleration mechanisms could be offered at other sites in order to meet class-size reduction goals.
- The manner in which funding for instruction with acceleration mechanisms is provided.
- The feasibility of providing all students the option of choosing AP or CLEP credit as an alternative to dual enrollment.

Statewide Assessment System

Section 1008.22, F.S., governs the statewide student assessment system for public schools. The bill amends the requirement of the statewide assessment system that students must earn a passing score on the 10th grade FCAT in order to qualify for a regular high school diploma to except from that requirement students for whom the requirement is waived pursuant to s. 1003.43(11)(b), F.S.

The bill takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1: Creates s. 1007.02, F.S., relating to access to postsecondary education and meaningful careers for students with disabilities.

Section 2: Amends s. 1003.43, F.S., relating to high school graduation requirements.

Section 3: Amends s. 1007.263, F.S., relating to admissions of students to community colleges.

Section 4: Amends s. 1007.264, F.S., relating to admission to postsecondary educational institutions.

Section 5: Creates s. 1007.265, F.S., relating to graduation, study program admission, and upper division entry of impaired and learning disabled persons.

Section 6: Amends s. 1007.27, F.S., relating to articulated acceleration mechanisms.

Section 7: Amends s. 1008.22, F.S., relating to student assessment for public schools.

Section 8: Provides that the bill takes effect upon becoming law.

² See s. 1007.27(1), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Refer to "Fiscal Comments," below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Refer to "Fiscal Comments," below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact, to the extent that it results in any of the following:

- **A reduction in the dropout rate.** There could be increased costs relating to students with disabilities who remain in school to graduate rather than dropping out in frustration over failing the FCAT.
- **An increase in community college, career credit, and upper-level educational enrollment.** There could be increased costs associated with an increase in enrollment in postsecondary education.
- **A decrease in the length of time spent in high school.** Currently, students who have not received a high school diploma may remain enrolled until reaching their 22nd birthdays. To the extent that the bill reduces the number of students who remain in high school until their 22nd birthdays, the bill may result in reduced expenditures on behalf of such students.
- **Increased self-sufficiency.** The receipt of a high school diploma and access to postsecondary educational and meaningful career opportunities could result in significant socioeconomic gains for those who otherwise might be less likely to pursue postsecondary education or less desirable in the job market.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Provides the State Board of Education with rulemaking authority regarding the alternate assessment for students with disabilities and for substitute requirements regarding graduation of the same.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.