

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1156
 SPONSOR: Education Committee and Senator Wise
 SUBJECT: Graduation requirements/Disabilities

DATE: March 5, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	O'Farrell	ED	Favorable/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

For students who have a disability specified in a list, this Committee Substitute requires school districts to provide the same accommodations on the high school graduation test that are available to those students for classroom instruction.

This bill creates the following section of the Florida Statutes: 232.2464.

The bill has a delayed effective date: July 1, 2003.

II. Present Situation:

Graduation options for students who have a disability

Students with disabilities, as defined by s. 228.041(18), F.S., have three options for completing high school:

- A standard high school diploma (s. 232.246, F.S.)
- A special high school diploma (s. 232.247, F.S.)
- A special certificate of completion

The special high school diploma is for students whose disabilities prevent them from meeting the state requirements for graduation, even with modifications allowed by rules of the State Board of Education.¹ School districts establish the requirements for the special diploma.

¹The disabilities that qualify a person for a special high school diploma are educable mentally handicapped, trainable mentally handicapped, hearing impaired, specific learning disabled, physically or language impaired, or emotionally handicapped.

Test requirements for a standard high school diploma

To earn a standard high school diploma, students who enroll in the 9th grade in fall of 1999 and later must earn a passing score on the grade 10 assessment test -- the Florida Comprehensive Assessment Test or FCAT.⁴ The State Board of Education has established the passing score as 300 on the mathematics and reading tests.

Accommodations limited

Accommodations to the test are allowed for students with disabilities, but the accommodations must not alter the underlying content of the test or negate its reliability.⁵ For instance, a blind student may pass the reading test by using a magnifier or Braille version, but not by having someone read the test for her, because the test is of reading ability, not listening ability.

Likewise, on the mathematics test, a blind student may use an abacus for computation but not a talking calculator, because the calculator prevents the student from demonstrating the ability to compute. The technical expression is that such an accommodation would compromise the test's "construct validity."

The commissioner may authorize a student with disabilities to earn a standard diploma without taking the High School Competency Test or FCAT only under extraordinary circumstances that are defined in rule. These are physical impairments that prevent a student from demonstrating skills the student has actually learned, such as impaired sensory, manual, or speaking skills, not cognitive deficits or learning process deficits. For instance, the commissioner will waive the reading test for a student who recently became blind and has not yet had time to learn Braille.

Recently, some parents have reported that the school provided their children a reader or a calculator as an accommodation in the classroom, and they expected the same accommodation on the graduation test.

The problem is that most community colleges require a standard high school diploma for admission. Parents say that if the student dropped out of public high school and enrolled in a private high school that would provide a diploma without the need for reading or passing a test, the community college then provides accommodations or waivers to their admission requirements even if the student cannot demonstrate proficiency in reading comprehension.

III. Effect of Proposed Changes:

For students having one of a specified list of disabilities, this bill requires school districts to provide the same accommodations on the high school graduation test that are available to those students for classroom instruction. The accommodations will be listed in the student's individualized education plan.

² No. 34 CFR §300.347(a)(5)(I)

³ Authorized modifications are listed in Rule 6A-1.0943, F.A.C.

⁴ Section 229.57(3)(c), F.S.

⁵ Rule 6A-1.09431, F.A.C., lists the classroom accommodations that are and are not allowed during statewide testing.

List of disabilities

The list of disabilities includes the following that are not disabilities that specifically define a student who has a disability under Florida law⁷ or the federal Individuals with Disabilities Education Act:

- Neurological impairment
- Dyslexia
- Dyscalculia
- Aphasia

The list also includes the following types of students having disabilities that are included in other laws:

- Mental retardation
- Hearing impairment including deafness
- Speech or language impairment
- Visual impairment including blindness
- Serious emotional disturbance
- Orthopedic impairment
- Autism
- Traumatic brain injury
- Other health impairments.

Required testing accommodations

The bill authorizes a student who has any of these disabilities to have any classroom accommodation on the graduation test, if the classroom accommodation is referenced in the individualized education plan. According to the Department of Education, the following accommodations are allowed in the classroom but not on statewide assessments:

- Audio tape recordings of reading materials
- A “reading buddy”
- Reading or problem solving with a partner or in a cooperative learning group
- A calculator or a chart of math computation facts for computation
- A shorter test, with fewer questions to answer (extra time is an allowed accommodation)
- Reference materials
- A thesaurus for writing
- Special word processing software that assists and anticipates what the student is trying to write
- A teacher or peer to edit a student’s responses
- Allowing the student to make more than one choice on a multiple choice question, and eliminating one of the incorrect choices
- Having the student’s favorite tutor or aide administer the test
- Memory aid cards

⁷ Section 228.041(18), F.S.

⁸ *ibid.*

The bill's delayed effective date, July 1, 2003, responds to the need for school districts to anticipate the new accommodations and update the individual education plans to assure that the desired accommodations are referenced in the IEP.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Students who have disabilities will be likely to pass the FCAT. Thus, more of them are likely to graduate from high school with a standard high school diploma, providing enhanced opportunities for continuing education and employment.

C. Government Sector Impact:

School districts must provide the same accommodations on FCAT that they provide in the classroom. Some school districts provide access to advanced technology for occasional classroom instruction, and this access could be costly. Other classroom accommodations require different settings or personal assistants. The actual cost will depend on the number and types of students who request accommodations.

VI. Technical Deficiencies:

The last two sentences of subsection (2) may be construed as contradictory (page 2, lines 6-12). The first one says that the student with accommodations must demonstrate mastery *with scores equal to those required of standard-diploma students*. The implication is that the student with accommodations is not a standard-diploma student, and no penalty is specified for a student who does not demonstrate mastery. The next sentence says that a student who receives the required accommodations is eligible for a standard high school diploma *upon successful completion of coursework required for graduation*. No mention is made of demonstrating mastery.

An amendment is recommended to revise the latter sentence to read:

A student who receives accommodations *and demonstrates mastery* pursuant to this subsection is eligible for a standard high school diploma upon successful completion of coursework required for graduation.

VII. Related Issues:

Since the initiation of the school-grading program in 1999, Florida's education officials have encouraged schools to include more students having disabilities in statewide assessments. Excluding them can have lifelong consequences. For instance, a school is not as likely to make the effort required to teach reading to a student who has dyslexia, if the student can progress through school without learning to read, and if the school suffers no consequences because no one taught the student to read. The provisions in the bill could have the same effect as allowing schools to exclude students from the testing program, because the accommodations are likely to allow a student to pass the test without mastering reading, writing, or computation.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
