

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1293 High School Graduation  
**SPONSOR(S):** PreK-12 Policy Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:**

|              | <b>REFERENCE</b>         | <b>ACTION</b>   | <b>ANALYST</b> | <b>STAFF DIRECTOR</b> |
|--------------|--------------------------|-----------------|----------------|-----------------------|
| Orig. Comm.: | PreK-12 Policy Committee | 7 Y, 4 N, As CS | Duncan         | Ahearn                |
| 1)           |                          |                 |                |                       |
| 2)           |                          |                 |                |                       |
| 3)           |                          |                 |                |                       |
| 4)           |                          |                 |                |                       |
| 5)           |                          |                 |                |                       |

**SUMMARY ANALYSIS**

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT) to graduate from high school and receive a standard diploma. Four of the required credits students must earn are in mathematics: one credit in Algebra I, the equivalent, or a higher level mathematics course. In science, students are required to earn three credits, two of which must have a laboratory component.

This Committee Substitute (CS) for HB 1293 modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses that must be taken, as follows:

*Beginning with students entering the 9<sup>th</sup> grade in the 2010-2011 School Year*

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the State Board of Education (SBE); and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component.

*Beginning with students entering the 9<sup>th</sup> grade in the 2012-2013 School Year*

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component.

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.

The CS raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency.

The CS also creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by the Department of Education (DOE). The DOE is granted rulemaking authority to implement the program.

See the FISCAL COMMENTS section of this analysis.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h1293a.PT.doc  
**DATE:** 3/19/2009

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **High School Graduation Requirements**

According to information received from the American Diploma Project (ADP), 55% of all students entering Florida's public postsecondary institutions require remediation in math, reading, and/or writing. In 2005-2006 the total cost of postsecondary remediation was \$129.8 million – and the state paid more than half of these costs (\$70 million). Also employers estimate that 45% of recent high school graduates lack skills to advance.<sup>1</sup>

To cover the content necessary to be college and work ready, students need to complete a rigorous sequence of courses, which, according to ADP, includes 4 courses in mathematics covering Algebra I and II, geometry, and a fourth course such as statistics or precalculus. Florida does not currently meet these graduation requirements.

In addition, studies show that low-achieving students fail less often in rigorous courses;<sup>2</sup> that if high schools had demanded more, graduates would have worked harder;<sup>3</sup> and that a majority of graduates would have taken harder courses.<sup>4</sup> Finally, research indicates that taking Algebra II is critical for both college and work.<sup>5</sup>

##### **Current Law**

Students must earn 24 credits in required courses and pass the Grade 10 Florida Comprehensive Assessment Test (FCAT)<sup>6</sup> to graduate from high school and receive a standard diploma. Of the 24 credits, four of the credits are in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II. Three

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<sup>1</sup> Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

<sup>2</sup> Cooney, Sondra and Gene Bottoms, Southern Regional Education Board, *Middle Grades to High School: Mending a Weak Link*, 2002, at 9.

<sup>3</sup> Peter D. Hart Research Associates/Public Opinion Strategies, *Rising to the Challenge: Are High School Graduates Prepared for College and Work?* Prepared for Achieve, Inc., 2005.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*; see also, *Achieve Report: Out of Many, One: Toward Rigorous Common Core Standards from the Ground Up*, July 2008, at 4.

<sup>6</sup> s. 1003.428(4)(b), F.S., and s. 1008.22(3)(c), F.S.

credits must be in science, two of which must have a laboratory component. However, no specific science courses are identified.<sup>7</sup>

## Mathematics Courses

There are several options available for students to meet the mathematics credit requirements. Courses equivalent to Algebra I include Algebra Ia and Ib and pre-Advanced International Certificate of Education (AICE) Math I. In addition, there are a series of integrated mathematics courses (Integrated Math I, II, and III) that incorporate Algebra I and II and geometry into a 3-year sequence of courses. Algebra I, geometry, and Algebra II all have equivalent honors level courses.<sup>8</sup>

## Science Courses

There are also several options available for students to meet the science credit requirements. Physical sciences include any chemistry, physics, or physical science course and the equivalent honors level, AICE, or International Baccalaureate (IB) courses. In addition, there is a series of integrated science courses (Science I, II, and III) that incorporate biology, chemistry, and earth science into a 3-year sequence of courses. Higher level science courses include any Advanced Placement (AP), IB, or AICE level courses in science or the second year of chemistry, physics, or biology.<sup>9</sup>

## Effect of Proposed Changes

The Committee Substitute (CS) modifies the high school graduation requirements for receipt of a standard high school diploma by specifying the mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively. The CS provides the following schedule and specific courses:

### *Beginning with students entering the 9<sup>th</sup> grade in the 2010-2011 School Year*

- In mathematics, one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBE; and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBE; and one must be a higher-level science. At least two of the science courses must have a laboratory component which is a current requirement.

### *Beginning with students entering the 9<sup>th</sup> grade in the 2012-2013 School Year*

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I as approved by the SBE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBE.
- In science, one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component which is a current requirement.

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<sup>7</sup> s. 1003.428(2)(a), F.S.

<sup>8</sup> Information provided by staff at the Department of Education, Bureau of Curriculum and Instruction, March 9, 2009. *See* <https://www.osfaffelp.org/bfiehs/fnbpas04.aspx?curyr4=2009>, Florida Bright Futures Scholarship Program, Florida Department of Education, Office of Student Financial Assistance, Special Course Equivalencies.

<sup>9</sup> *Id.*

Students choosing the 24-credit or the accelerated 18-credit college or career preparatory graduation options<sup>10</sup> must be advised of the Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available as well as the availability of course offerings through the Florida Virtual School.<sup>11</sup>

## **Grade 10 Florida Comprehensive Assessment Test (FCAT)**

### **Current Law**

In addition to earning credits in the required high school courses, students must also pass the reading and mathematics portions of the Grade 10 FCAT or attain concordant scores on either the SAT or American College Test (ACT) tests.<sup>12</sup> A student must take each subject area of the Grade 10 FCAT a total of three times without earning a passing score in order to use concordant scores from the SAT or ACT. A new student entering the Florida public school system in the 12<sup>th</sup> grade may use a concordant score without taking the FCAT.<sup>13</sup>

FCAT Achievement Levels are based on both scale scores and developmental scale scores<sup>14</sup> and range from Level 1 (lowest) to Level 5 (highest).<sup>15</sup> The passing scores for the Grade 10 FCAT reading and mathematics and retake tests are determined by the State Board of Education (SBE). For FCAT reading, the passing score is a Developmental Scale Score (DSS) of 1926 (scale score of 300) or above and is within the Level 2 FCAT Achievement Level. For FCAT mathematics, the passing score is a Developmental Scale Score of 1889 (scale score of 300) or above, which is also within the Level 2 FCAT Achievement Level.<sup>16</sup>

### **Effect of Proposed Changes**

The CS provides that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. This requirement in effect raises the required passing score from a DSS within the Level 2 FCAT Achievement Level to a DSS within the Level 3 FCAT Achievement Level. Initially, there may be an increase in the number of students that would not pass the Grade 10 FCAT causing an increase in the demand for remedial classes and an increase in the number of students required to retake the FCAT in order to meet high school graduation requirements.

## **Alternative Diplomas**

### **Current Law**

#### *High School Equivalency Diploma*

The SBE is required to adopt rules that prescribe performance standards and provide comprehensive examinations to be administered to candidates for high school equivalency diplomas.<sup>17</sup> Each district school board must offer and administer the high school equivalency diploma examinations to all candidates. The DOE is authorized to award high school equivalency diplomas to candidates who:

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<sup>10</sup> s. 1003.429(1)(b) and (c), F.S.

<sup>11</sup> The Florida Virtual School offers over 85 middle and high school courses, from general to honors courses, and 11 Advanced Placement classes. In addition, courses in foreign language, physical education, health, business, computer science, and FCAT and SAT prep are also offered by the virtual school. See [http://www.floridaschoolchoice.oeg/Information/virtual\\_schools/faqs.asp](http://www.floridaschoolchoice.oeg/Information/virtual_schools/faqs.asp)

<sup>12</sup> <http://www.fcattldoe.org/pdf/fcatpass.pdf> Florida Department of Education, FCAT Graduation Requirements, January 2009.

<sup>13</sup> s. 1008.22(10), F.S.

<sup>14</sup> Scale scores are reported for all FCAT Sunshine State Standards (SSS) subjects, except FCAT Writing, and range from 100 (lowest) to 500 (highest). Developmental Scale Scores (DSS) are only reported for FCAT SSS Reading and Mathematics and range from 0 to 3000 across grades 3 through 10. DSS link two years of student FCAT data that track student progress over time. Students should receive higher scores as they move from grade to grade according to their increased achievement. See <http://www.fcattldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

<sup>15</sup> <http://www.fcattldoe.org/pdf/fcAchievementLevels.pdf>, Florida Department of Education. FCAT Achievement Levels, July 2008.

<sup>16</sup> *Id.*

<sup>17</sup> s. 1003.435, F.S.

have attained on each of the 5 General Education Development (GED) Tests<sup>18</sup> a minimum score of 410 or above on a scale of 0 to 800, with an average score of 450; and meet the standards specified by the SBE.<sup>19</sup>

## Effect of Proposed Changes

### *Graduation Exit Option Program*

The CS creates the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, are enrolled in high school courses that meet high school graduation requirements, are at risk of failing to graduate, and meet criteria developed by the DOE. The criteria developed by the DOE must ensure that the program is not used as a means for early graduation for students who have the ability to pass the Grade 10 FCAT. Additional student eligibility requirements are that: the student must meet minimum reading levels and minimum scores on GED practice tests; earn passing scores on the reading and math portions of the FCAT, or scores on a standardized test that are concordant with passing scores on the FCAT; and pass each of the five sections of the GED Test.

Students receiving an alternative diploma cannot be counted when calculating graduation rates. The DOE is required to design the alternative diploma to distinguish it from the standard diploma. The DOE is also granted rulemaking authority to implement the program.

The CS moves existing sections of law relating to the accommodations required for students with disabilities and the award of diplomas for certain veterans to separate sections for organizational purposes.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 1003.428, F.S., relating to the revised general requirements for high school graduation; providing additional requirements in mathematics and science for students entering 9<sup>th</sup> grade in the 2010-2011 and 2012-2013 school years; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses; and moving provisions relating to testing accommodations for students with disabilities and awarding standard high school diplomas to certain honorably discharged veterans to a newly created section of law for organizational purposes.

**Section 2:** Creates s. 1003.4282, F.S., relating to accommodations for students with disabilities; graduation requirements; locating existing law relating to testing accommodations for students with disabilities into one section of law for organizational purposes.

**Section 3:** Creates s. 1003.4286, F.S., creating the Graduation Exit Option Program; authorizing the award of an alternative diploma for eligible high school students; establishing the requirements for eligibility; and granting rulemaking authority to the State Board of Education.

**Section 4:** Creates s. 1003.4287, F.S., relating to recognition of veterans; high school diploma; locating existing provisions awarding standard high school diplomas to certain honorably discharged veterans under the revised standard diploma and the general requirements for graduation into one section of law for organizational purposes.

**Section 5:** Amends s. 1003.429, F.S., relating to accelerated high school graduation requirements; requiring that students be advised of the availability of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and virtual courses.

**Section 6:** Amends s. 1003.43, F.S., relating to general requirements for high school graduation; moving existing provisions relating to testing accommodations for students with disabilities and

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<sup>18</sup> The 5 GED Tests are in Social Studies, Science, Reading, Mathematics, and Writing Skills. See Rule 6A-6.021(3), F.A.C.

<sup>19</sup> Rule 6A-6.021, F.A.C.

awarding standard high school diplomas to certain honorably discharged veterans to newly created sections of law for organizational purposes.

**Section 7:** Amends s. 1007.623, F.S., relating to community colleges; admissions of students; correcting a cross-reference.

**Section 8:** Amends s. 1008.22, F.S., relating to student assessment program for public schools; providing that, at a minimum, passing scores for the grade 10 FCAT must meet grade-level proficiency.

**Section 9:** Amends s. 1009.531, F.S., relating to Florida Bright Futures Scholarship program; clarifying that in order to be eligible for the Florida Bright Futures Scholarship Program a student must earn a standard diploma under the revised general requirements for high school graduation.

**Section 10:** Provides an effective date of July 1, 2009.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This CS does not appear to have a fiscal impact on state government revenues.

#### 2. Expenditures:

See FISCAL COMMENTS section.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This CS does not appear to have a fiscal impact on local government revenues.

#### 2. Expenditures:

This CS does not appear to have a fiscal impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

In 2008, of the 63,790 grade 10 students failing to pass the Grade 10 FCAT on the first attempt, 37,156 did not pass FCAT Reading, 2,590 did not pass FCAT Mathematics, and 24,044 did not pass both. If the passing score were to be raised to proficiency (Level 3), 111,868 would have failed to pass on the first attempt; 57,294 would have failed FCAT Reading, 3,790 would have failed FCAT Mathematics, and 50,784 would have failed both. The cost for the summer retake was \$1,089,935. This was based on processing 110,940 test books (reading and mathematics combined), which costs approximately \$10 per book. Raising the passing score to proficiency, could require approximately 75,000 "books" in the fall of 2011 and approximately 37,000 "books" in the spring of 2012, at \$10 per book.<sup>20</sup>

More rigorous high school course requirements for graduation would likely ultimately result in fewer Grade 10 FCAT failures in Mathematics, but this potential result would take time based on the schedule set in the CS for implementing the more rigorous course requirements.

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<sup>20</sup> E-mail from Department of Education, Retakes for On-Grade Level Passing, March 19, 2009.

For the 2007-2008 school year, the College Preparatory Cost per FTE was \$4,967. Of the students that graduated from high school in 2007, over 36% needed remediation in at least one subject. Students that do not need remedial courses are more likely to access more college courses and move through the postsecondary education pipeline.<sup>21</sup> For the 2005-2006 school year, the total cost of postsecondary remediation was \$129.8 million, of which the state paid \$70 million.<sup>22</sup> More rigorous course and testing requirements should have a positive but indeterminate fiscal impact on remediation costs.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The CS does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The CS does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate. The CS does not appear to reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The Department of Education is granted rulemaking authority to implement the Graduation Exit Option Program.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 18, 2009, the PreK-12 Policy Committee reported the Proposed Committee Substitute favorably. The differences between the CS and the House Bill are as follows:

- HB 1293 created core diploma graduation requirements beginning with students entering their first year of high school in the 2010-2011 school year. The CS does not establish core diploma graduation requirements.
- HB 1293 created college preparatory and career preparatory diploma graduation requirements beginning with students entering their first year of high school in the 2010-2011 school year. The CS does not establish college preparatory and career preparatory diploma graduation requirements.
- The CS modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses required. The number of credits required in both mathematics and science remain the same -- four credits and three credits, respectively. The requirements are applicable beginning with students entering the 9<sup>th</sup> grade in the 2010-2011 school year and students entering the 9<sup>th</sup> grade in the 2012-2013 school year.
- HB 1293 required, by the 2010-2011 school year, each public high school in the state to offer at least four Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment courses, one each in English, mathematics, science, and social studies. The CS provides that student choosing the 24-credit or the accelerated 18-credit

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<sup>21</sup> E-mail from Department of Education, 2007-2008 College Preparatory Cost Fee, March 19, 2009.

<sup>22</sup> Michael Cohen, Achieve, Inc., American Diploma Project Network, *Creating a High School Diploma That Counts: Lessons from the American Diploma Project*, March 3, 2009.

college or career preparatory graduation options must be advised of Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses available, as well as the availability of courses through the Florida Virtual School.

- HB 1293 relocated the provisions in current law relating to high school graduation requirements and minors, majors, performing arts, and physical education. The CS does not relocate these provisions.
- HB 1293 relocated the provisions in current law relating to policies designed to assist students in meeting the high school graduation requirements, including but not limited to, grade forgiveness policies and summer school. The CS does not relocate these provisions.
- HB 1293 established additional academic requirements under the Florida Academic Scholars, Florida Medallion, and the Florida Gold Seal Vocational Awards of the Florida Bright Futures Scholarship Program. The CS does not establish these requirements.