

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 265 High School Equivalency Diplomas

**SPONSOR(S):** Plasencia and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1004

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N	Wolff	Sanchez
2) Education & Employment Committee	16 Y, 0 N	Wolff	Hassell

### SUMMARY ANALYSIS

Florida is one of 33 states and the District of Columbia that provides a mechanism for individuals younger than 18 years of age to sit for the General Educational Development (GED) examination. Current Florida law requires that extraordinary circumstances exist prior to a student that is at least 16 years old but younger than 18 sits for the GED exam. However, each school district is responsible for determining what constitutes such extraordinary circumstances and, therefore, the requirements vary across Florida.

To provide consistency across the state and remove barriers for students desiring to sit for the GED exam, the bill prohibits a school district from requiring a student that has reached the age of 16 to take any course prior to sitting for the GED exam unless the student failed to attain a passing score on the GED practice test.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### High School Equivalency Diplomas

Florida law requires the State Board of Education (SBE) to adopt rules to set standards and provide for comprehensive examinations for high school equivalency diplomas.<sup>1</sup> The Department of Education may award high school equivalency diplomas to candidates who meet the standards and each district school board must administer the high school equivalency diploma examinations and subject area examinations to all eligible candidates.<sup>2</sup>

Currently, a candidate who takes the General Educational Development (GED) exam and attains a minimum score in the Language Arts, Mathematical Reasoning, Science, and Social Studies GED subtests is awarded a State of Florida High School Diploma.<sup>3</sup> The GED exam can be taken in-person at a testing center or online.<sup>4</sup>

In addition, a performance-based exit option, or “GED exit option,” is available for students who are enrolled in high school courses but are not on track to graduate with their kindergarten cohort because they are over-age,<sup>5</sup> behind in credits, or have a low grade point average (GPA).<sup>6</sup> Such students may earn the Performance-Based Exit Option diploma by passing the statewide standardized assessment, passing the GED tests, continuing enrollment and attendance in high school courses that meet graduation requirements, and completing additional requirements established by the school district.<sup>7</sup> Students participating in the performance-based exit option may not graduate prior to their kindergarten cohort and participation is voluntary and requires parental notification and consent.<sup>8</sup>

Florida is one of 33 states and the District of Columbia that provides a mechanism for individuals younger than 18 years of age to sit for the GED exam.<sup>9</sup> However, absent extraordinary circumstances, Florida’s students may not sit for the GED exam unless they are 18 years old.<sup>10</sup> Currently, Florida law requires that each district school board adopt rules governing the extraordinary circumstances necessary to authorize a student 16 or 17 years of age to sit for the GED exam.<sup>11</sup> Therefore, the requirements for underage students to sit for the GED exam are not consistent across the state.

The GED Ready practice test is offered by the GED Testing Service as a way for student to gauge their readiness for sitting for the full GED exam. In Florida, if you are 18 years of age or older you are not required to sit for the GED Ready exam prior to taking an in-person GED exam.<sup>12</sup> A student that has attained the age of 16 may be required to sit for the GED Ready practice test based on their local

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<sup>1</sup> Section 1003.435(1), F.S.

<sup>2</sup> Section 1003.435(2) and (3), F.S.

<sup>3</sup> Rule 6A-6.0201(1), F.A.C.

<sup>4</sup> GED Testing Service, LLC., *Getting your GED in Florida*, <https://ged.com/policies/florida/> (last visited Feb. 21, 2023).

<sup>5</sup> In this context, “over-age” refers to a student 16 years of age or older who is no longer subject to Florida’s compulsory attendance statute and could terminate their school enrollment. *See* s. 1003.21(1)(a) and (c), F.S.

<sup>6</sup> *See* Rule 6A-6.0212, F.A.C.

<sup>7</sup> Rule 6A-6.0212(4)(a), F.A.C. Students earning the performance-based diploma are not required to meet GPA requirements.

<sup>8</sup> Rule 6A-6.0212(2), F.A.C.

<sup>9</sup> GED Testing Service, LLC., *State-by-state Infor on Online GED Testing*, <https://ged.com/state-information-online-testing/> (last visited Feb. 6, 2023).

<sup>10</sup> Section 1003.435(4), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> GED Testing Service, LLC., *Getting your GED in Florida*, <https://ged.com/policies/florida/> (last visited Feb. 21, 2023) (click “Do I have to take the GED Ready practice test before testing?”).

school district policy for determining the “extraordinary circumstances” required by law.<sup>13</sup> All test takers taking the online GED exam must take the GED Ready practice test.<sup>14</sup>

### **Effect of Proposed Changes**

To provide consistency across the state and remove barriers for students desiring to sit for the GED exam, the bill prohibits a school district from requiring a student that has reached the age of 16 to take any course prior to sitting for the GED exam unless the student failed to attain a passing score on the GED Ready practice test. The bill requires the SBE to establish, by rule, what constitutes a passing score of the GED Ready practice test.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1003.435, F.S.; prohibiting a district school board from requiring certain students to take a course before taking the high school equivalency examination unless the student failed to earn a passing score on a specified practice test.

**Section 2:** Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

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

None.

#### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not establish any new rulemaking authority, however, existing rules adopted by the SBE will need to be amended to conform with the provisions of this bill.

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.