

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: CS/SB 554

INTRODUCER: Education Pre-K - 12 Committee, Senators Ring and Fasano

SUBJECT: Disability Awareness in Public Schools

DATE: January 24, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Fav/CS
2.	Daniell	Farmer	CF	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools. The instruction must be provided by individuals who have a disability, are approved by the Department of Education (DOE or department), and meet existing background screening requirements. The department is tasked with assisting in the development of an appropriate disability curriculum to be used in the school districts.

Under the bill, DOE would be required to establish a disability awareness council (council). The council is tasked with submitting an annual report and ensuring that instructors meet the requirements specified in the bill.

This bill amends section 1003.4205, Florida Statutes.

II. Present Situation:

Disability History and Awareness

According to a U.S. Census Bureau report, one in five United States residents – or around 54 million Americans – reported some level of disability in 2005.¹ Approximately 13 percent of children age 6 to 14 have a disability,² and as of 2008, 95 percent of students age 6 to 21 were taught in a general education classroom.³ According to the Museum of disABILITY History, students:

benefit from learning about the story of people with disabilities, including how they used to be viewed and treated, how conditions have changed over time and how individuals with disabilities are currently actively involved in self-advocacy and in their communities. Given the context of disability history, students will be equipped with the tools needed to engage in critical thinking and will be more likely to view individuals with disabilities as people deserving of dignity and respect just like everyone else.⁴

On this premise, disability advocates began a campaign to help create understanding and to celebrate the history of individuals with disabilities, and in 2006, West Virginia passed the first Disability History Week bill.⁵ Twenty-three other states, including Florida, have since passed similar legislation.⁶

In 2008, the Florida Legislature authorized each district school board to provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October.⁷ During “Disability History and Awareness Weeks,” students may be provided with instruction to expand their knowledge, understanding, and awareness of individuals with disabilities and the history of disability and the disability rights movement. The instruction may be integrated into the existing school curriculum and may be taught by qualified school personnel or knowledgeable guest speakers.

The Bureau of Exceptional Education and Student Services, within the Department of Education (DOE or department), developed a resource guide to help school districts promote Disability History and Awareness Weeks.⁸ The guide includes:

¹ Disabled World, *New Statistics 54.4 Million Americans with a Disability* (Dec. 20, 2008), <http://www.disabled-world.com/disability/statistics/us-disability-stats.php> (last visited Jan. 22, 2012).

² *Id.*

³ Nat’l Ctr. for Education Statistics, *Fast Facts*, <http://nces.ed.gov/fastfacts/display.asp?id=59> (last visited Jan. 22, 2012).

⁴ Museum of disABILITY History, *Disability History Week: Importance*, <http://disabilityhistoryweek.org/pages/importance/> (last visited Jan. 22, 2012).

⁵ Museum of disABILITY History, *Disability History Week: National Disability History Week Initiative*, <http://www.disabilityhistoryweek.org/blogs/read/9> (last visited Jan. 22, 2012).

⁶ Museum of disABILITY History, *Disability History Week: Legislation*, <http://www.disabilityhistoryweek.org/legislations/> (last visited Jan. 22, 2012).

⁷ Chapter 2008-156, s. 1, L.O.F., codified in s. 1003.4205, F.S.

⁸ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf> (last visited Jan. 22, 2012).

- Promotional ideas to help schools promote disability history and awareness;
- Flyers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning “people first” language;
- A guide to differentiated instruction;
- A copy of “A Legislative History of Florida’s Exceptional Student Education Program”; and
- A list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.⁹

In 2010, the Commissioner of Education (commissioner) was directed to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.¹⁰ The commissioner was instructed to address:

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.¹¹

Governor’s Commission on Disabilities

The Governor’s Commission on Disabilities (commission) was designed, by Executive Order, to “advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations.”¹² The commission made recommendations for strategies to address barriers faced by persons with disabilities in education, employment, transportation, civil rights, health care, and access to technology.¹³

III. Effect of Proposed Changes:

The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October. This instruction is currently an optional activity.

⁹ *Id.* at 1.

¹⁰ Chapter 2010-224, s. 6, Laws of Fla., codified in s. 1012.582, F.S.

¹¹ Section 1012.582(1), F.S.

¹² Office of the Governor, State of Florida, *Executive Order Number 07-148* (July 26, 2007), and *Executive Order Number 08-193* (Sept. 11, 2008), available at <http://www.flgov.com/2007-executive-orders/> and <http://www.flgov.com/2008-executive-orders/> (last visited Jan. 22, 2012).

¹³ Governor’s Commission on Disabilities, *2009 Report* (June 2009) and *2010 Report* (July 2010), available at http://www.dms.myflorida.com/other_programs/governor_s_commission_on_disabilities and http://fodh.phhp.ufl.edu/files/2011/05/Report_Final_Edited2010-GovReport0902-10.pdf (last visited Jan. 22, 2012).

The Department of Education (DOE or department) is directed to assist in creating the curriculum for the disability history and awareness instruction. Beginning in the 2013-2014 school year, the instruction must be integrated into the existing school curriculum. The bill requires that individuals with disabilities provide the instruction after being approved by DOE. Presumably, DOE would approve an individual whose expertise is determined by the council.

The bill requires DOE to establish a disability awareness council (council), comprised of the Commissioner of Education, a member of the Senate, a member of the House of Representatives, and the Florida Youth Council. The council's responsibilities include:

- Ensuring that presenters have first-hand knowledge and experience pertaining to the challenges facing individuals who have disabilities;
- Ensuring that members of the Florida Youth Council continue to remain involved in leadership development, self-advocacy, peer mentoring, and other activities;
- Ensuring each presenter has met the background requirements of s. 1012.465, F.S.;¹⁴ and
- Submitting an annual report to the Governor, the presiding officers of the Legislature, and superintendent of each school district in the state.

The council must meet at least four times a year and more often as needed.

The bill provides that DOE must provide a liaison to assist the council and shall act as the fiscal agent for all financial transactions required by the council.

The bill shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁴ Section 1012.465, F.S., relates to background screening for noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. The bill does not prohibit instructional personnel who have a disability from providing this instruction. If they provide the instruction, they would be subject to the requirements in ss. 1012.32 and 1012.56, F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be some costs associated with requiring the Department of Education (DOE or department) to assist in developing an appropriate disability curriculum to be used in the school districts. However, the costs may be mitigated if the DOE uses or adapts provisions in the existing resource guide, which includes curriculum topics required under the bill.

Additionally, there may be a cost associated to DOE for providing a liaison to assist the disability history and awareness advisory council.

The bill requires the council to meet at least four times per year and more often as needed. The department is required to act as the fiscal agent for the council; however, the bill does not specify a source of funding to support the council.

VI. Technical Deficiencies:

The bill provides that the “Florida Youth Council” is a member on the disability history and awareness advisory council (council). The Florida Youth Council consists of 11 individuals who have disabilities or special health care needs.¹⁵ The bill does not require one member of the Florida Youth Council to be a member on the council, but rather it appears that the bill requires the entire Florida Youth Council to be a member. It is unclear if this means that every member of the Florida Youth Council must attend the quarterly meetings of the council or if the Florida Youth Council can appoint a representative to go to the meetings.

The bill requires the council to submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the superintendent of each school district. The bill does not specify what the council should be reporting on annually.

On lines 30-33, the bill provides that The Department of Education (DOE or department) “shall assist in creating the curriculum for the disability history and awareness instruction.” The bill does not direct the council to create the curriculum. Therefore, it is unclear who DOE is supposed to assist in creating the curriculum.

¹⁵ The Florida Youth Council, *What We Are*, http://www.floridayouthcouncil.com/index.php?option=com_content&view=article&id=2:what-we-are&catid=2:about-us&Itemid=3 (last visited Jan. 22, 2012).

Finally, the bill makes it mandatory (rather than discretionary) that each district school board provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October. This means that the instruction must begin in October 2012. It is unclear if the department will have time to create the curriculum and approve presenters by October 2012. The bill specifies that beginning in the 2013-2014 school year, the instruction must be integrated into the existing school curriculum. The Legislature may wish to amend the bill to require that the required instruction also begin in the 2013-2014 school year.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Education Pre-K – 12 Committee on January 9, 2012:

The committee substitute:

- Requires the council membership to include the Florida Youth Council, in lieu of members appointed by the Commissioner of Education from different regions of the state;
- Requires the disability awareness council to meet at least four times each year; and
- Corrects a technical reference to the background screening requirements in the bill.

B. Amendments:

None.