

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 Committee on Education

BILL: SB 178

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness

DATE: January 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Favorable
2.			CF	
3.			AED	
4.			AP	

I. Summary:

SB 178 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2015-2016 school year. The instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, are approved by the school or school district and meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, responsibilities, and frequency of meetings each year.

The bill will not have a fiscal impact on the state and is effective upon becoming law.

II. Present Situation:

One in five (19 percent or approximately 54 million) people living in the United States have a disability. Five percent of children between the age of 5 and 17 have disabilities.¹

The 2008 Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."² Each district school board is authorized to provide disability history and awareness instruction to students in kindergarten through grade 12. The instruction may be integrated into the existing school curriculum and the goals of the

¹ United States Census Bureau, *Profile America Facts for Features: 20th Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report), available at http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (last visited Jan. 10, 2014).

² Section 1, ch. 2008-156, L.O.F.; s. 1003.4205(1), F.S.

instruction must be to achieve better treatment for individuals with disabilities; encourage individuals with disabilities to develop increased self-esteem; and reaffirm the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities. Qualified school personnel or knowledgeable guest speakers may deliver disability history and awareness instruction.³

The Bureau of Exceptional Education and Student Services, within the Florida Department of Education (DOE), has created a resource guide to help school districts promote Disability History and Awareness Weeks.⁴ The guide includes:⁵

- Promotional ideas to help schools promote disability history and awareness,
- Fliers 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.

Current law requires the Commissioner of Education to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.⁶ Continuing education must include:⁷

- 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.
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

SB 178 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2015-

³ Section 1003.4205, F.S. Nationally, disability advocates are mobilizing to create understanding and celebrate the history of individuals with disabilities. In 2006, West Virginia passed the first Disability History Week bill. Since 2006, fourteen states, including Florida, have signed disability awareness-related laws. Museum of disABILITY History, *Disability History Week: Legislation*, available at <http://www.disabilityhistoryweek.org/legislations/> (last visited Jan. 10, 2014).

⁴ 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>, at 9 of 95.

⁵ 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>, at 9 of 95.

⁶ Section 1012.582 (1), F.S.

⁷ *Id.*

2016 school year. The bill is expected to raise awareness about individuals with disabilities and promote the full inclusion of such individuals in our society.

The disability history and awareness instruction must be provided during the first two weeks in October. Disability history must include the:

- Events and timelines of the services to, and civil rights of, individuals who had or have disabilities.
- Contributions of specific individuals who had or have disabilities, including the contributions of national leaders.

Beginning in the 2015-2016 school year, such instruction must be integrated into the existing school curriculum. Additionally, the bill requires that the instruction be augmented by presentations from individuals who:

- Have disabilities;
- Are approved as presenters by the school or school district; and
- Meet the background screening requirements regarding entering schools and interacting with children under current law.⁸

The bill requires each public school in Florida to establish a disability history and awareness council and requires that the council:

- Be made up of seven members, including six teachers who are employed at each public school and one individual with a disability from the local community.
- Perform, at a minimum, the following responsibilities:
 - Providing input to the public school regarding curriculum for disability history and awareness;
 - Assisting with locating individuals with disabilities to make presentations at schools; and
 - Submitting, an annual report by August 1, 2015, and each year thereafter, to the superintendent of the school district in which the public school is located. The annual report must, at a minimum, include recommendations and policy alternatives regarding the state of disability awareness at the public school.
 - Meet at least four times each year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸ 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. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Education reported that the school districts will incur costs associated with conducting fingerprinting and background investigations for community members and presenters and providing administrative assistance to public schools regarding annual reports. The cost for fingerprinting and background screening is \$67 per community member and presenter per school. In the event the Disability History and Awareness Council meets during the school day, substitute teachers would be required. On an average, the cost for hiring substitute teachers ranges between \$10-\$15 per hour, per teacher. Compensation schedules differ by school district. Teachers, in some school districts, may qualify for supplemental or stipend pay if the council meets outside regular school hours. Associated district-level costs are indeterminate.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 1003.4205.

⁹ Florida Department of Education, *2014 Agency Legislative Bill Analysis for SB 178* (Oct. 24, 2013), at 5, on file with the Committee on Education staff.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
