

By Senator Atwater

25-1580-03

See HB 975

1 A bill to be entitled
2 An act relating to exceptional student
3 instruction; amending s. 1003.57, F.S.;
4 providing that hearings relating to
5 identification, evaluation, and placement of
6 exceptional students shall not be exempt from
7 provisions relating to decisions affecting
8 substantial interests and additional procedures
9 applicable to hearings; providing an effective
10 date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (5) of section 1003.57, Florida
15 Statutes, is amended to read:

16 1003.57 Exceptional students instruction.--Each
17 district school board shall provide for an appropriate program
18 of special instruction, facilities, and services for
19 exceptional students as prescribed by the State Board of
20 Education as acceptable, including provisions that:

21 (5) No student be given special instruction or
22 services as an exceptional student until after he or she has
23 been properly evaluated, classified, and placed in the manner
24 prescribed by rules of the State Board of Education. The
25 parent of an exceptional student evaluated and placed or
26 denied placement in a program of special education shall be
27 notified of each such evaluation and placement or denial. Such
28 notice shall contain a statement informing the parent that he
29 or she is entitled to a due process hearing on the
30 identification, evaluation, and placement, or lack thereof.
31 Such hearings shall not be exempt from the provisions of ss.

1 120.569 and 120.57, but shall be exempt from the provisions
2 of and s.286.011., ~~except to the extent that~~ The State Board
3 of Education may adopt ~~adopts~~ rules establishing ~~other~~
4 procedures. ~~and~~ Any records created as a result of such
5 hearings and the content of those records shall be
6 confidential and exempt from the provisions of s. 119.07(1).
7 The hearing must be conducted by an administrative law judge
8 from the Division of Administrative Hearings of the Department
9 of Management Services. The decision of the administrative law
10 judge shall be final, except that any party aggrieved by the
11 finding and decision rendered by the administrative law judge
12 shall have the right to bring a civil action in the circuit
13 court. In such an action, the court shall receive the records
14 of the administrative hearing and shall hear additional
15 evidence at the request of either party. In the alternative,
16 any party aggrieved by the finding and decision rendered by
17 the administrative law judge shall have the right to request
18 an impartial review of the administrative law judge's order by
19 the district court of appeal as provided by s. 120.68.
20 Notwithstanding any law to the contrary, during the pendency
21 of any proceeding conducted pursuant to this section, unless
22 the district school board and the parents otherwise agree, the
23 student shall remain in his or her then-current educational
24 assignment or, if applying for initial admission to a public
25 school, shall be assigned, with the consent of the parents, in
26 the public school program until all such proceedings have been
27 completed.

28 Section 2. This act shall take effect July 1, 2003.
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