



HB 0975

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

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

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

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

(5) No student be given special instruction or services as
 an exceptional student until after he or she has been properly
 evaluated, classified, and placed in the manner prescribed by
 rules of the State Board of Education. The parent of an
 exceptional student evaluated and placed or denied placement in
 a program of special education shall be notified of each such
 evaluation and placement or denial. Such notice shall contain a
 statement informing the parent that he or she is entitled to a
 due process hearing on the identification, evaluation, and
 placement, or lack thereof. Such hearings shall not be exempt
 from the provisions of ss. 120.569 and, 120.57, but shall be
exempt from the provisions of and s. 286.011., except to the



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31 ~~extent that~~ The State Board of Education may adopt ~~adopts~~ rules
32 establishing ~~other~~ procedures. and Any records created as a
33 result of such hearings and the content of same shall be
34 confidential and exempt from the provisions of s. 119.07(1). The
35 hearing must be conducted by an administrative law judge from
36 the Division of Administrative Hearings of the Department of
37 Management Services. The decision of the administrative law
38 judge shall be final, except that any party aggrieved by the
39 finding and decision rendered by the administrative law judge
40 shall have the right to bring a civil action in the circuit
41 court. In such an action, the court shall receive the records of
42 the administrative hearing and shall hear additional evidence at
43 the request of either party. In the alternative, any party
44 aggrieved by the finding and decision rendered by the
45 administrative law judge shall have the right to request an
46 impartial review of the administrative law judge's order by the
47 district court of appeal as provided by s. 120.68.
48 Notwithstanding any law to the contrary, during the pendency of
49 any proceeding conducted pursuant to this section, unless the
50 district school board and the parents otherwise agree, the
51 student shall remain in his or her then-current educational
52 assignment or, if applying for initial admission to a public
53 school, shall be assigned, with the consent of the parents, in
54 the public school program until all such proceedings have been
55 completed.

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