

Bill No. SB 2130

Barcode 934422

CHAMBER ACTION

Senate

House

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The Committee on Education Pre-K - 12 (Diaz de la Portilla)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (1) of section  
1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.--

(1) 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:

(b) The district school board provide the special  
instruction, classes, and services, either within the district  
school system, in cooperation with other district school  
systems, or through contractual arrangements with approved  
private schools or community facilities that meet standards  
established by the commissioner. At least 30 days prior to an  
agency placing an exceptional student with a disability in a

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1 private residential care facility that is not located in the  
2 student's assigned school district, the agency shall provide  
3 written notice of the future placement to the district school  
4 board of the student's assigned school district and the  
5 district school board of the school district in which the  
6 private residential care facility is located and shall make  
7 best efforts to ensure that the assigned school district and  
8 the school district in which the student is to be placed enter  
9 into an agreement concerning the cost of that placement,  
10 including the costs of educational services which exceed  
11 funding generated through the Florida Education Finance  
12 Program under s. 1011.62. If an agreement cannot be reached,  
13 the cost of providing such services shall be borne by the  
14 school district in which the parent of the student maintains  
15 residence or, if the student no longer resides with the  
16 parent, the cost of providing educational services shall be  
17 borne by the school district in which the parent maintained  
18 residence at the time the student last resided with the  
19 parent. For purposes of this paragraph, the term:

20       1. "Agency" means the Agency for Persons with  
21 Disabilities or the Department of Children and Family  
22 Services.

23       2. "Assigned school district" means the school  
24 district that developed the student's most recent individual  
25 education plan.

26       Section 2. Subsection (3) of section 1003.58, Florida  
27 Statutes, is amended to read:

28       1003.58 Students in residential care facilities.--Each  
29 district school board shall provide educational programs  
30 according to rules of the State Board of Education to students  
31 who reside in residential care facilities operated by the

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1 Department of Children and Family Services or the Agency for  
2 Persons with Disabilities.

3           (3) The district school board shall have full and  
4 complete authority in the matter of the assignment and  
5 placement of such students in educational programs. The parent  
6 of an exceptional student shall have the same due process  
7 rights as are provided under s. 1003.57(1)(e). At least 30  
8 days prior to an agency placing an exceptional student with a  
9 disability in a private residential care facility that is not  
10 located in the student's assigned school district, the agency  
11 shall provide written notice of the future placement to the  
12 district school board of the student's assigned school  
13 district and the district school board of the school district  
14 in which the private residential care facility is located and  
15 shall make best efforts to ensure that the assigned school  
16 district and the school district in which the student is to be  
17 placed enter into an agreement concerning the cost of that  
18 placement, including the costs of educational services which  
19 exceed funding generated through the Florida Education Finance  
20 Program under s. 1011.62. If an agreement cannot be reached,  
21 the cost of providing educational services to such student  
22 shall be borne by the school district in which the parent  
23 maintained residence at the time the student last resided with  
24 the parent. For purposes of this paragraph, the term:

25           1. "Agency" means the Agency for Persons with  
26 Disabilities or the Department of Children and Family  
27 Services.

28           2. "Assigned school district" means the school  
29 district that developed the student's most recent individual  
30 education plan.

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1 Notwithstanding the provisions herein, the educational program  
 2 at the Marianna Sunland Center in Jackson County shall be  
 3 operated by the Department of Education, either directly or  
 4 through grants or contractual agreements with other public or  
 5 duly accredited educational agencies approved by the  
 6 Department of Education.

7 Section 3. Exceptional student education for in-state  
 8 students placed in private residential care facilities.

9 (1) The Office of Program Policy Analysis and  
 10 Government Accountability shall conduct a study of the  
 11 provision of educational services to certain exceptional  
 12 students. For purposes of this section, the term:

13 (a) "Agency" means an entity in the executive branch  
 14 of state government.

15 (b) "Exceptional student" means an exceptional student  
 16 with a disability as defined in s. 1003.01(3), Florida  
 17 Statutes, whose parent resides in Florida and who is referred  
 18 to or placed by an agency in a private residential care  
 19 facility.

20 (2) In conducting the study required by this section,  
 21 the Office of Program Policy Analysis and Government  
 22 Accountability shall:

23 (a) Review and summarize federal and state law and  
 24 administrative rules relating to the requirements for  
 25 educational services for exceptional students.

26 (b) Identify the practices implemented by agencies and  
 27 district school boards for the provision of educational  
 28 services to exceptional students. Such identification shall  
 29 include, but is not limited to:

30 1. Agency practices, prior to referral or placement,  
 31 for notifying and consulting with the district school board

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1 that is currently serving the exceptional student and the  
2 district school board of the school district in which the  
3 private residential care facility is located.

4 2. Agency and district school board practices for  
5 allocating financial and other responsibilities associated  
6 with the provision of educational services to an exceptional  
7 student.

8 (3) A final report of the study shall be submitted to  
9 the President of the Senate and the Speaker of the House of  
10 Representatives by December 1, 2007. The final report shall  
11 include an evaluation of the practices identified under  
12 paragraph (2)(b) and recommendations for the improvement of  
13 those practices. The recommendations shall include, but not be  
14 limited to, proposed statutory changes that will ensure the  
15 equitable allocation of agency and district school board  
16 responsibilities related to the provision of educational  
17 services to exceptional students.

18 Section 4. This act shall take effect July 1, 2007.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause

24

25 and insert:

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A bill to be entitled

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An act relating to exceptional students;

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amending ss. 1003.57 and 1003.58, F.S.;

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requiring an agency that places exceptional

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students with disabilities in certain private

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residential care facilities to make best

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1 efforts to ensure negotiation between school  
2 districts concerning the cost of that  
3 placement, including the cost of specified  
4 educational services; defining the terms  
5 "agency" and "assigned school district";  
6 requiring an agency, prior to placement of a  
7 student, to notify the district school boards  
8 of the student's assigned school district and  
9 of the school district in which the private  
10 residential care facility is located; providing  
11 responsibility for the cost of providing  
12 educational services to an exceptional student  
13 with a disability who receives such services in  
14 a school district other than his or her  
15 assigned school district; requiring a study by  
16 the Office of Program Policy Analysis and  
17 Government Accountability of the provision of  
18 educational services to certain exceptional  
19 students referred to or placed in private  
20 residential care facilities; defining terms;  
21 requiring a report with recommendations;  
22 providing an effective date.

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