

By the Committee on Education Pre-K - 12; and Senators  
Constantine and Bullard

581-2239-07

1                                   A bill to be entitled  
2           An act relating to exceptional students;  
3           amending ss. 1003.57 and 1003.58, F.S.;  
4           requiring an agency that places exceptional  
5           students with disabilities in certain private  
6           residential care facilities to make best  
7           efforts to ensure negotiation between school  
8           districts concerning the cost of that  
9           placement, including the cost of specified  
10          educational services; defining the terms  
11          "agency" and "assigned school district";  
12          requiring an agency, prior to placement of a  
13          student, to notify the district school boards  
14          of the student's assigned school district and  
15          of the school district in which the private  
16          residential care facility is located; providing  
17          responsibility for the cost of providing  
18          educational services to an exceptional student  
19          with a disability who receives such services in  
20          a school district other than his or her  
21          assigned school district; requiring a study by  
22          the Office of Program Policy Analysis and  
23          Government Accountability of the provision of  
24          educational services to certain exceptional  
25          students referred to or placed in private  
26          residential care facilities; defining terms;  
27          requiring a report with recommendations;  
28          providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Paragraph (b) of subsection (1) of section  
2 1003.57, Florida Statutes, is amended to read:

3           1003.57 Exceptional students instruction.--

4           (1) Each district school board shall provide for an  
5 appropriate program of special instruction, facilities, and  
6 services for exceptional students as prescribed by the State  
7 Board of Education as acceptable, including provisions that:

8           (b) The district school board provide the special  
9 instruction, classes, and services, either within the district  
10 school system, in cooperation with other district school  
11 systems, or through contractual arrangements with approved  
12 private schools or community facilities that meet standards  
13 established by the commissioner. At least 30 days prior to an  
14 agency placing an exceptional student with a disability in a  
15 private residential care facility that is not located in the  
16 student's assigned school district, the agency shall provide  
17 written notice of the future placement to the district school  
18 board of the student's assigned school district and the  
19 district school board of the school district in which the  
20 private residential care facility is located and shall make  
21 best efforts to ensure that the assigned school district and  
22 the school district in which the student is to be placed enter  
23 into an agreement concerning the cost of that placement,  
24 including the costs of educational services which exceed  
25 funding generated through the Florida Education Finance  
26 Program under s. 1011.62. If an agreement cannot be reached,  
27 the cost of providing such services shall be borne by the  
28 school district in which the parent of the student maintains  
29 residence or, if the student no longer resides with the  
30 parent, the cost of providing educational services shall be  
31 borne by the school district in which the parent maintained

1 residence at the time the student last resided with the  
2 parent. For purposes of this paragraph, the term:

3       1. "Agency" means the Agency for Persons with  
4 Disabilities or the Department of Children and Family  
5 Services.

6       2. "Assigned school district" means the school  
7 district that developed the student's most recent individual  
8 education plan.

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

11       1003.58 Students in residential care facilities.--Each  
12 district school board shall provide educational programs  
13 according to rules of the State Board of Education to students  
14 who reside in residential care facilities operated by the  
15 Department of Children and Family Services or the Agency for  
16 Persons with Disabilities.

17       (3) The district school board shall have full and  
18 complete authority in the matter of the assignment and  
19 placement of such students in educational programs. The parent  
20 of an exceptional student shall have the same due process  
21 rights as are provided under s. 1003.57(1)(e). At least 30  
22 days prior to an agency placing an exceptional student with a  
23 disability in a private residential care facility that is not  
24 located in the student's assigned school district, the agency  
25 shall provide written notice of the future placement to the  
26 district school board of the student's assigned school  
27 district and the district school board of the school district  
28 in which the private residential care facility is located and  
29 shall make best efforts to ensure that the assigned school  
30 district and the school district in which the student is to be  
31 placed enter into an agreement concerning the cost of that

1 placement, including the costs of educational services which  
2 exceed funding generated through the Florida Education Finance  
3 Program under s. 1011.62. If an agreement cannot be reached,  
4 the cost of providing educational services to such student  
5 shall be borne by the school district in which the parent  
6 maintained residence at the time the student last resided with  
7 the parent. For purposes of this paragraph, the term:

8 1. "Agency" means the Agency for Persons with  
9 Disabilities or the Department of Children and Family  
10 Services.

11 2. "Assigned school district" means the school  
12 district that developed the student's most recent individual  
13 education plan.

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15 Notwithstanding the provisions herein, the educational program  
16 at the Marianna Sunland Center in Jackson County shall be  
17 operated by the Department of Education, either directly or  
18 through grants or contractual agreements with other public or  
19 duly accredited educational agencies approved by the  
20 Department of Education.

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

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

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

29 (b) "Exceptional student" means an exceptional student  
30 with a disability as defined in s. 1003.01(3), Florida  
31 Statutes, whose parent resides in Florida and who is referred

1 to or placed by an agency in a private residential care  
2 facility.

3 (2) In conducting the study required by this section,  
4 the Office of Program Policy Analysis and Government  
5 Accountability shall:

6 (a) Review and summarize federal and state law and  
7 administrative rules relating to the requirements for  
8 educational services for exceptional students.

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

13 1. Agency practices, prior to referral or placement,  
14 for notifying and consulting with the district school board  
15 that is currently serving the exceptional student and the  
16 district school board of the school district in which the  
17 private residential care facility is located.

18 2. Agency and district school board practices for  
19 allocating financial and other responsibilities associated  
20 with the provision of educational services to an exceptional  
21 student.

22 (3) A final report of the study shall be submitted to  
23 the President of the Senate and the Speaker of the House of  
24 Representatives by December 1, 2007. The final report shall  
25 include an evaluation of the practices identified under  
26 paragraph (2)(b) and recommendations for the improvement of  
27 those practices. The recommendations shall include, but not be  
28 limited to, proposed statutory changes that will ensure the  
29 equitable allocation of agency and district school board  
30 responsibilities related to the provision of educational  
31 services to exceptional students.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
4                           Senate Bill 2130

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6 The committee substitute requires the Department of Children  
7 and Family Services (DCF) or the Agency for Person with  
8 Disabilities (APWD) to notify district school boards prior to  
9 placing an exceptional student in a private residential care  
10 facility that is located in a school district other than the  
11 student's assigned district. The committee substitute also:

12 -Requires the DCF and the APWD to attempt to ensure that  
13 school districts enter into an agreement for paying the cost  
14 of placement, including the cost of educational services that  
15 exceed the funding generated in the Florida Education Finance  
16 Program;

17 -Designates the parties responsible for payment if the  
18 districts fail to reach an agreement;

19 -Requires the Office of Program Policy Analysis and Government  
20 Accountability (OPPAGA) to evaluate the practices of agencies  
21 and district school boards in providing educational services  
22 to exceptional students with disabilities when they place them  
23 in a private residential care facility; and

24 -Requires OPPAGA to submit a report with recommendations to  
25 the Legislature by December 1, 2007.

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