

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senators Constantine, Bullard and Gaetz

602-2480-07

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A bill to be entitled

An act relating to exceptional students;
requiring a study by the Office of Program
Policy Analysis and Government Accountability
of the provision of educational services to
certain exceptional students referred to or
placed in private residential care facilities;
defining terms; requiring a report with
recommendations; providing an effective date.

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

Section 1. The Office of Program Policy Analysis and
Government Accountability shall conduct a study of exceptional
student education for in-state students placed in private
residential care facilities.

(1) For purposes of this section, the term:

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

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

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

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

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

5 1. Agency practices, prior to referral or placement,
6 for notifying and consulting with the district school board
7 that is currently serving the exceptional student and the
8 district school board of the school district in which the
9 private residential care facility is located.

10 2. Agency and district school board practices for
11 allocating financial and other responsibilities associated
12 with the provision of educational services to an exceptional
13 student.

14 (3) A final report of the study shall be submitted to
15 the President of the Senate and the Speaker of the House of
16 Representatives by December 31, 2007. The final report shall
17 include an evaluation of the practices identified under
18 paragraph (2)(b) and recommendations for the improvement of
19 those practices. The recommendations shall include, but not be
20 limited to, proposed statutory changes that will ensure the
21 equitable allocation of agency and district school board
22 responsibilities related to the provision of educational
23 services to exceptional students.

24 Section 2. This act shall take effect July 1, 2007.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 2130

The committee substitute removes the notice requirement for the Department of Children and Family Services or the Agency for Persons with Disabilities to the two affected school districts when the agency places a student in a private residential facility. Also, the agencies will not be responsible for the two school districts to reach agreement on the fiscal responsibility for such a placement. In addition, the committee substitute does not require the assigned district to be responsible for the payment of placement and educational costs for a student so placed when the two districts are unable to reach agreement.