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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/29/2008 4:02 PM

Floor: C
5/1/2008 9:21 PM

1 Senator Wise moved the following amendment:

2
3 Senate Amendment (with title amendment)

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (f) of subsection (10) of section
7 1002.33, Florida Statutes, is amended to read:

8 1002.33 Charter schools.--
9 (10) ELIGIBLE STUDENTS.--

10 (f) Students with disabilities ~~handicapping conditions~~ and
11 students served in English for Speakers of Other Languages
12 programs shall have an equal opportunity of being selected for
13 enrollment in a charter school.

14 Section 2. Subsection (1) of section 1002.39, Florida
15 Statutes, is amended to read:

16 1002.39 The John M. McKay Scholarships for Students with
17 Disabilities Program.--There is established a program that is



18 separate and distinct from the Opportunity Scholarship Program  
19 and is named the John M. McKay Scholarships for Students with  
20 Disabilities Program.

21 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
22 DISABILITIES PROGRAM.--The John M. McKay Scholarships for  
23 Students with Disabilities Program is established to provide the  
24 option to attend a public school other than the one to which  
25 assigned, or to provide a scholarship to a private school of  
26 choice, for students with disabilities for whom an individual  
27 educational ~~education~~ plan has been written in accordance with  
28 rules of the State Board of Education. Students with disabilities  
29 include K-12 students who are documented as having an  
30 intellectual disability ~~a mental handicap, including trainable,~~  
31 ~~profound, or educable;~~ a speech impairment; a ~~or~~ language  
32 impairment; a hearing impairment, including deafness; a visual  
33 impairment, including blindness; a dual sensory impairment; an  
34 orthopedic ~~a physical~~ impairment; an other health impairment; a  
35 ~~serious emotional disturbance, including an emotional~~ or  
36 behavioral disability ~~handicap;~~ a specific learning disability,  
37 including, but not limited to, dyslexia, dyscalculia, or  
38 developmental aphasia; a traumatic brain injury; a developmental  
39 delay; or autism spectrum disorder.

40 Section 3. Paragraph (a) of subsection (3) of section  
41 1003.01, Florida Statutes, is amended to read:

42 1003.01 Definitions.--As used in this chapter, the term:

43 (3) (a) "Exceptional student" means any student who has been  
44 determined eligible for a special program in accordance with  
45 rules of the State Board of Education. The term includes students  
46 who are gifted and students with disabilities who have an  
47 intellectual disability; autism spectrum disorder; a speech



48 impairment; a language impairment; an orthopedic impairment; an  
49 other health impairment; traumatic brain injury; a visual  
50 impairment; an emotional or behavioral disability; or a specific  
51 learning disability, including, but not limited to, dyslexia,  
52 dyscalculia, or developmental aphasia; students who are deaf or  
53 hard of hearing or dual sensory impaired; students who are  
54 hospitalized or homebound; children with developmental delays ~~are~~  
55 mentally handicapped, speech and language impaired, deaf or hard  
56 of hearing, visually impaired, dual sensory impaired, physically  
57 impaired, emotionally handicapped, specific learning disabled,  
58 hospital and homebound, autistic, developmentally delayed  
59 children, ages birth through 5 years, or children, ages birth  
60 through 2 years, with established conditions that are identified  
61 in State Board of Education rules pursuant to s. 1003.21(1)(e).

62 Section 4. Paragraph (e) of subsection (1) of section  
63 1003.21, Florida Statutes, is amended to read:

64 1003.21 School attendance.--

65 (1)

66 (e) Consistent with rules adopted by the State Board of  
67 Education, children with disabilities who have attained the age  
68 of 3 years shall be eligible for admission to public special  
69 education programs and for related services ~~under rules adopted~~  
70 ~~by the district school board.~~ Exceptional Children with  
71 disabilities younger than 3 years of age who are deaf or hard of  
72 hearing; ~~;~~ visually impaired; dual sensory impaired;  
73 orthopedically impaired; other health impaired; who have  
74 experienced traumatic brain injury; ~~;~~ severely physically  
75 handicapped, trainable mentally handicapped, or profoundly  
76 handicapped, or who have autism spectrum disorder; established  
77 conditions, or who exhibit developmental delays or intellectual



78 disabilities, below age 3 may be eligible for special programs  
79 and may receive services in accordance with rules of the State  
80 Board of Education; or, if enrolled in other school readiness  
81 programs, they may be eligible for supplemental instruction.  
82 Rules for the identification of established conditions for  
83 children birth through 2 years of age and developmental delays  
84 for children birth through 5 years of age must be adopted by the  
85 State Board of Education.

86 Section 5. Section 1003.438, Florida Statutes, is amended  
87 to read:

88 1003.438 Special high school graduation requirements for  
89 certain exceptional students.--A student who has been identified  
90 ~~properly classified~~, in accordance with rules established by the  
91 State Board of Education, as a student with disabilities who has  
92 an intellectual disability; an autism spectrum disorder; a  
93 language impairment; an orthopedic impairment; an other health  
94 impairment; a traumatic brain injury; an emotional or behavioral  
95 disability; a specific learning disability, including, but not  
96 limited to, dyslexia, dyscalculia, or developmental aphasia; or  
97 students who are deaf or hard of hearing or dual sensory impaired  
98 ~~"educable mentally handicapped," "trainable mentally~~  
99 ~~handicapped," "hearing impaired," "specific learning disabled,"~~  
100 ~~"physically or language impaired," or "emotionally handicapped"~~  
101 shall not be required to meet all requirements of s. 1003.43 or  
102 s. 1003.428 and shall, upon meeting all applicable requirements  
103 prescribed by the district school board pursuant to s. 1008.25,  
104 be awarded a special diploma in a form prescribed by the  
105 commissioner; however, such special graduation requirements  
106 prescribed by the district school board must include minimum  
107 graduation requirements as prescribed by the commissioner. Any



209868

108 such student who meets all special requirements of the district  
109 school board ~~for exceptional~~ity, but is unable to meet the  
110 appropriate special state minimum requirements, shall be awarded  
111 a special certificate of completion in a form prescribed by the  
112 commissioner. ~~A student who has been properly classified as~~  
113 ~~"profoundly handicapped" and who meets the special requirements~~  
114 ~~of the district school board for a special diploma in accordance~~  
115 ~~with requirements for any exceptional student identified in this~~  
116 ~~section shall be awarded a special diploma; however, such a~~  
117 ~~student shall alternatively be eligible for a special certificate~~  
118 ~~of completion, in a form prescribed by the commissioner, if all~~  
119 ~~school requirements for students who are "profoundly handicapped"~~  
120 ~~have been met.~~ However, this section does not limit or restrict  
121 the right of an exceptional student solely to a special diploma  
122 or special certificate of completion. Any such student shall,  
123 upon proper request, be afforded the opportunity to fully meet  
124 all requirements of s. 1003.43 or s. 1003.428 through the  
125 standard procedures established therein and thereby to qualify  
126 for a standard diploma upon graduation.

127 Section 6. Subsection (4) of section 1004.55, Florida  
128 Statutes, is amended to read:

129 1004.55 Regional autism centers.--

130 (4) ~~(a)~~ Each center shall provide:

131 (a)1. A staff that has expertise in autism and autistic-  
132 like behaviors and in sensory impairments.

133 (b)2. Individual and direct family assistance in the home,  
134 community, and school. A center's assistance should not supplant  
135 other responsibilities of state and local agencies, and each  
136 school district is responsible for providing an appropriate  
137 education program for clients of a center who are school age.



209868

138        ~~(c)3.~~ Technical assistance and consultation services,  
139 including specific intervention and assistance for a client of  
140 the center, the client's family, and the school district, and any  
141 other services that are appropriate.

142        ~~(d)4.~~ Professional training programs that include  
143 developing, providing, and evaluating preservice and inservice  
144 training in state-of-the-art practices for personnel who work  
145 with the populations served by the centers and their families.

146        ~~(e)5.~~ Public education programs to increase awareness of  
147 the public about autism, autistic-related disabilities of  
148 communication and behavior, dual sensory impairments, and sensory  
149 impairments with other handicapping conditions.

150        ~~(b) Direct medical intervention or pharmaceutical~~  
151 ~~intervention is prohibited in any center on or after July 1,~~  
152 ~~2008.~~

153        Section 7. Subsection (2) of section 1007.02, Florida  
154 Statutes, is amended to read:

155        1007.02 Access to postsecondary education and meaningful  
156 careers for students with disabilities; popular name;  
157 definition.--

158        (2) For the purposes of this act, the term "student with a  
159 disability" means any student who is documented as having an  
160 intellectual disability ~~mental retardation~~; a hearing impairment,  
161 including deafness; a speech or language impairment; a visual  
162 impairment, including blindness; an emotional or behavioral  
163 disability ~~a serious emotional disturbance, including an~~  
164 ~~emotional handicap~~; an orthopedic or other health impairment; an  
165 autism spectrum disorder; a traumatic brain injury; or a specific  
166 learning disability, including, but not limited to, dyslexia,  
167 dyscalculia, or developmental aphasia.



209868

168 Section 8. Section 1007.264, Florida Statutes, is amended  
169 to read:

170 1007.264 Persons with disabilities ~~Impaired and learning~~  
171 ~~disabled persons~~; admission to postsecondary educational  
172 institutions; substitute requirements; rules.--

173 (1) Any student with a disability, as defined in s.  
174 1007.02(2), except those students who have been documented as  
175 having intellectual disabilities ~~mental retardation~~, shall be  
176 eligible for reasonable substitution for any requirement for  
177 admission into a public postsecondary educational institution  
178 where documentation can be provided that the person's failure to  
179 meet the admission requirement is related to the disability.

180 (2) The State Board of Education, in consultation with the  
181 Board of Governors, shall adopt rules to implement this section  
182 for community colleges and shall develop substitute admission  
183 requirements where appropriate.

184 (3) The Board of Governors, in consultation with the State  
185 Board of Education, shall adopt rules to implement this section  
186 for state universities and shall develop substitute admission  
187 requirements where appropriate.

188 Section 9. Section 1007.265, Florida Statutes, is amended  
189 to read:

190 1007.265 Persons with disabilities ~~Impaired and learning~~  
191 ~~disabled persons~~; graduation, study program admission, and upper-  
192 division entry; substitute requirements; rules.--

193 (1) Any student with a disability, as defined in s.  
194 1007.02(2), in a public postsecondary educational institution,  
195 except those students who have been documented as having  
196 intellectual disabilities ~~mental retardation~~, shall be eligible  
197 for reasonable substitution for any requirement for graduation,



209868

198 | for admission into a program of study, or for entry into the  
 199 | upper division where documentation can be provided that the  
 200 | person's failure to meet the requirement is related to the  
 201 | disability and where failure to meet the graduation requirement  
 202 | or program admission requirement does not constitute a  
 203 | fundamental alteration in the nature of the program.

204 |       (2) The State Board of Education, in consultation with the  
 205 | Board of Governors, shall adopt rules to implement this section  
 206 | for community colleges and shall develop substitute requirements  
 207 | where appropriate.

208 |       (3) The Board of Governors, in consultation with the State  
 209 | Board of Education, shall adopt rules to implement this section  
 210 | for state universities and shall develop substitute requirements  
 211 | where appropriate.

212 |       Section 10. This act shall take effect July 1, 2008.

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214 |

215 | ===== T I T L E   A M E N D M E N T =====

216 | And the title is amended as follows:

217 |       Delete everything before the enacting clause  
 218 | and insert:

219 |                               A bill to be entitled  
 220 |       An act relating to students with disabilities; amending  
 221 |       ss. 1002.33, 1002.39, 1003.01, and 1003.438, F.S.,  
 222 |       relating to charter schools, the John M. McKay  
 223 |       Scholarships for Students with Disabilities Program,  
 224 |       definitions, and special high school graduation  
 225 |       requirements; revising the terminology used to identify  
 226 |       students with certain disabilities; amending s.  
 227 |       1003.21, F.S., relating to school attendance; revising





209868

228 | the terminology used to identify students with certain  
229 | disabilities; authorizing the State Board of Education  
230 | to adopt rules relating to the eligibility of certain  
231 | children with disabilities for admission to special  
232 | programs and related services; removing the authority  
233 | of district school boards to adopt such rules; amending  
234 | s. 1004.55, F.S.; deleting a provision that prohibits  
235 | direct medical intervention or pharmaceutical  
236 | intervention in a regional autism center; amending ss.  
237 | 1007.02, 1007.264, and 1007.265, F.S., relating to  
238 | postsecondary education; revising the terminology used  
239 | to identify students with intellectual, emotional, or  
240 | behavioral disabilities; providing an effective date.