

1                                   A bill to be entitled  
 2       An act relating to students with disabilities; amending  
 3       ss. 1002.33, 1002.39, 1003.01, 1003.21, and 1003.438 F.S.,  
 4       relating to charter schools, the John M. McKay  
 5       Scholarships for Students with Disabilities Program,  
 6       school attendance, and high school graduation  
 7       requirements; revising the terminology used to identify  
 8       students with certain disabilities; amending ss. 1007.02,  
 9       1007.264, and 1007.265, F.S., relating to postsecondary  
 10      education; revising the terminology used to identify  
 11      students with intellectual, emotional, or behavioral  
 12      disabilities; providing an effective date.

13

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

15

16           Section 1. Paragraph (f) of subsection (10) of section  
 17   1002.33, Florida Statutes, is amended to read:

18           1002.33 Charter schools.--

19           (10) ELIGIBLE STUDENTS.--

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

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

26           1002.39 The John M. McKay Scholarships for Students with  
 27   Disabilities Program.--There is established a program that is  
 28   separate and distinct from the Opportunity Scholarship Program

29 and is named the John M. McKay Scholarships for Students with  
 30 Disabilities Program.

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

50 Section 3. Paragraph (a) of subsection (3) of section  
 51 1003.01, Florida Statutes, is amended to read:

52 1003.01 Definitions.--As used in this chapter, the term:

53 (3)(a) "Exceptional student" means any student who has  
 54 been determined eligible for a special program in accordance  
 55 with rules of the State Board of Education. The term includes  
 56 students who are gifted; ~~and~~ students who have an intellectual

HB 1313

2008

57 disability, autism spectrum disorder, a speech impairment, a  
58 language impairment, an orthopedic impairment or other health  
59 impairment, traumatic brain injury, a visual impairment, an  
60 emotional or behavioral disability, or a specific learning  
61 disability; students who are deaf or hard of hearing or dual  
62 sensory impaired; children who are hospitalized or homebound;  
63 children with developmental delays; and ~~with disabilities who~~  
64 ~~are mentally handicapped, speech and language impaired, deaf or~~  
65 ~~hard of hearing, visually impaired, dual sensory impaired,~~  
66 ~~physically impaired, emotionally handicapped, specific learning~~  
67 ~~disabled, hospital and homebound, autistic, developmentally~~  
68 ~~delayed~~ children, ages birth through 5 years, or children, ages  
69 birth through 2 years, with established conditions that are  
70 identified in State Board of Education rules pursuant to s.  
71 1003.21(1)(e).

72 Section 4. Paragraph (e) of subsection (1) of section  
73 1003.21, Florida Statutes, is amended to read:

74 1003.21 School attendance.--

75 (1)

76 (e) Consistent with rules adopted by the State Board of  
77 Education, children with disabilities who have attained the age  
78 of 3 years shall be eligible for admission to public special  
79 education programs and for related services ~~under rules adopted~~  
80 ~~by the district school board. Exceptional Children with~~  
81 disabilities younger than 3 years of age who are deaf or hard of  
82 hearing, visually impaired, dual sensory impaired,  
83 orthopedically impaired, or otherwise health impaired; who have  
84 experienced traumatic brain injury; severely physically

85 ~~handicapped, trainable mentally handicapped, or profoundly~~  
 86 ~~handicapped, or who have~~ autism spectrum disorder; established  
 87 ~~conditions, or who exhibit developmental delays or intellectual~~  
 88 disabilities, ~~below age 3~~ may be eligible for special programs  
 89 and may receive services in accordance with rules of the State  
 90 Board of Education; ~~or, if enrolled in other school readiness~~  
 91 ~~programs, they may be eligible for supplemental instruction.~~  
 92 Rules for the identification of established conditions for  
 93 children birth through 2 years of age and developmental delays  
 94 for children birth through 5 years of age must be adopted by the  
 95 State Board of Education.

96 Section 5. Section 1003.438, Florida Statutes, is amended  
 97 to read:

98 1003.438 Special high school graduation requirements for  
 99 certain exceptional students.--A student who has been identified  
 100 ~~properly classified,~~ in accordance with rules established by the  
 101 State Board of Education, as a student with disabilities who has  
 102 an intellectual disability, autism spectrum disorder, a language  
 103 impairment, an orthopedic impairment or other health impairment,  
 104 a traumatic brain injury, an emotional or behavioral disability,  
 105 or a specific learning disability or a student who is deaf or  
 106 hard of hearing, or dual sensory impaired ~~"educable mentally~~  
 107 ~~handicapped," "trainable mentally handicapped," "hearing~~  
 108 ~~impaired," "specific learning disabled," "physically or language~~  
 109 ~~impaired," or "emotionally handicapped"~~ shall not be required to  
 110 meet all requirements of s. 1003.43 or s. 1003.428 and shall,  
 111 upon meeting all applicable requirements prescribed by the  
 112 district school board pursuant to s. 1008.25, be awarded a

HB 1313

2008

113 special diploma in a form prescribed by the commissioner;  
114 however, such special graduation requirements prescribed by the  
115 district school board must include minimum graduation  
116 requirements as prescribed by the commissioner. Any such student  
117 who meets all special requirements of the district school board  
118 ~~for exceptionality~~, but is unable to meet the appropriate  
119 special state minimum requirements, shall be awarded a special  
120 certificate of completion in a form prescribed by the  
121 commissioner. ~~A student who has been properly classified as~~  
122 ~~"profoundly handicapped" and who meets the special requirements~~  
123 ~~of the district school board for a special diploma in accordance~~  
124 ~~with requirements for any exceptional student identified in this~~  
125 ~~section shall be awarded a special diploma; however, such a~~  
126 ~~student shall alternatively be eligible for a special~~  
127 ~~certificate of completion, in a form prescribed by the~~  
128 ~~commissioner, if all school requirements for students who are~~  
129 ~~"profoundly handicapped" have been met. However, this section~~  
130 does not limit or restrict the right of an exceptional student  
131 solely to a special diploma or special certificate of  
132 completion. Any such student shall, upon proper request, be  
133 afforded the opportunity to fully meet all requirements of s.  
134 1003.43 or s. 1003.428 through the standard procedures  
135 established therein and thereby to qualify for a standard  
136 diploma upon graduation.

137 Section 6. Subsection (2) of section 1007.02, Florida  
138 Statutes, is amended to read:

HB 1313

2008

139           1007.02 Access to postsecondary education and meaningful  
 140 careers for students with disabilities; popular name;  
 141 definition.--

142           (2) For the purposes of this act, the term "student with a  
 143 disability" means any student who is documented as having an  
 144 intellectual disability ~~mental retardation~~; a hearing  
 145 impairment, including deafness; a speech or language impairment;  
 146 a visual impairment, including blindness; an emotional or  
 147 behavioral disability ~~a serious emotional disturbance, including~~  
 148 ~~an emotional handicap~~; an orthopedic or other health impairment;  
 149 autism spectrum disorder; a traumatic brain injury; or a  
 150 specific learning disability, including, but not limited to,  
 151 dyslexia, dyscalculia, or developmental aphasia.

152           Section 7. Section 1007.264, Florida Statutes, is amended  
 153 to read:

154           1007.264 Persons with learning disabilities ~~Impaired and~~  
 155 ~~learning disabled persons~~; admission to postsecondary  
 156 educational institutions; substitute requirements; rules.--

157           (1) Any student with a disability, as defined in s.  
 158 1007.02(2), except those students who have been documented as  
 159 having intellectual disabilities ~~mental retardation~~, shall be  
 160 eligible for reasonable substitution for any requirement for  
 161 admission into a public postsecondary educational institution  
 162 where documentation can be provided that the person's failure to  
 163 meet the admission requirement is related to the disability.

164           (2) The State Board of Education, in consultation with the  
 165 Board of Governors, shall adopt rules to implement this section

166 for community colleges and shall develop substitute admission  
 167 requirements where appropriate.

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

172 Section 8. Section 1007.265, Florida Statutes, is amended  
 173 to read:

174 1007.265 Persons with disabilities ~~Impaired and learning~~  
 175 ~~disabled persons~~; graduation, study program admission, and  
 176 upper-division entry; substitute requirements; rules.--

177 (1) Any student with a disability, as defined in s.  
 178 1007.02(2), in a public postsecondary educational institution,  
 179 except those students who have been documented as having  
 180 intellectual disabilities ~~mental retardation~~, shall be eligible  
 181 for reasonable substitution for any requirement for graduation,  
 182 for admission into a program of study, or for entry into the  
 183 upper division where documentation can be provided that the  
 184 person's failure to meet the requirement is related to the  
 185 disability and where failure to meet the graduation requirement  
 186 or program admission requirement does not constitute a  
 187 fundamental alteration in the nature of the program.

188 (2) The State Board of Education, in consultation with the  
 189 Board of Governors, shall adopt rules to implement this section  
 190 for community colleges and shall develop substitute requirements  
 191 where appropriate.

192 (3) The Board of Governors, in consultation with the State  
 193 Board of Education, shall adopt rules to implement this section

HB 1313

2008

194 | for state universities and shall develop substitute requirements  
195 | where appropriate.

196 |       Section 9. This act shall take effect July 1, 2008.