

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,
 4 F.S., 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; authorizing the State
 9 Board of Education to adopt rules for eligibility of
 10 certain children with disabilities for admission to
 11 special programs and related services; removing authority
 12 of district school boards to adopt such rules; amending
 13 ss. 1007.02, 1007.264, and 1007.265, F.S., relating to
 14 postsecondary education; revising the terminology used to
 15 identify students with intellectual, emotional, or
 16 behavioral disabilities; providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Paragraph (f) of subsection (10) of section
 21 1002.33, Florida Statutes, is amended to read:

22 1002.33 Charter schools.--

23 (10) ELIGIBLE STUDENTS.--

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

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

30 1002.39 The John M. McKay Scholarships for Students with
 31 Disabilities Program.--There is established a program that is
 32 separate and distinct from the Opportunity Scholarship Program
 33 and is named the John M. McKay Scholarships for Students with
 34 Disabilities Program.

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

54 Section 3. Paragraph (a) of subsection (3) of section
 55 1003.01, Florida Statutes, is amended to read:

56 1003.01 Definitions.--As used in this chapter, the term:
 57 (3)(a) "Exceptional student" means any student who has
 58 been determined eligible for a special program in accordance
 59 with rules of the State Board of Education. The term includes
 60 students who are gifted; and students who have an intellectual
 61 disability, autism spectrum disorder, a speech impairment, a
 62 language impairment, an orthopedic impairment or other health
 63 impairment, traumatic brain injury, a visual impairment, an
 64 emotional or behavioral disability, or a specific learning
 65 disability, including, but not limited to, dyslexia,
 66 dyscalculia, or developmental aphasia; students who are deaf or
 67 hard of hearing or dual sensory impaired; students who are
 68 hospitalized or homebound; and ~~with disabilities who are~~
 69 ~~mentally handicapped, speech and language impaired, deaf or hard~~
 70 ~~of hearing, visually impaired, dual sensory impaired, physically~~
 71 ~~impaired, emotionally handicapped, specific learning disabled,~~
 72 ~~hospital and homebound, autistic, developmentally delayed~~
 73 ~~children, ages birth through 5 years~~ of age with developmental
 74 delays, and ~~or children, ages birth through 2 years~~ of age, with
 75 established conditions, which ~~that~~ are identified in State Board
 76 of Education rules pursuant to s. 1003.21(1)(e).

77 Section 4. Paragraph (e) of subsection (1) of section
 78 1003.21, Florida Statutes, is amended to read:

79 1003.21 School attendance.--

80 (1)

81 (e) Consistent with rules adopted by the State Board of
 82 Education, children with disabilities who are ~~have attained the~~
 83 ~~age of~~ 3 years of age or older shall be eligible for admission

84 to public special education programs and ~~for~~ related services
 85 ~~under rules adopted by the district school board. Exceptional~~
 86 Children with disabilities who are younger than 3 years of age
 87 who are deaf or hard of hearing; who have a visual impairment,
 88 ~~visually impaired,~~ dual sensory impairment impaired, orthopedic
 89 impairment or other health impairment, or traumatic brain
 90 injury; severely physically handicapped, trainable mentally
 91 ~~handicapped, or profoundly handicapped, or~~ who have autism
 92 spectrum disorder; who have established conditions; ~~7~~ or who
 93 exhibit developmental delays or intellectual disabilities, ~~below~~
 94 ~~age 3~~ may be eligible for public special education programs, and
 95 may receive services, in accordance with rules of the State
 96 Board of Education; ~~or, if enrolled in other school readiness~~
 97 ~~programs, they may be eligible for supplemental instruction.~~
 98 Rules for the identification of established conditions for
 99 children birth through 2 years of age and developmental delays
 100 for children birth through 5 years of age must be adopted by the
 101 State Board of Education.

102 Section 5. Section 1003.438, Florida Statutes, is amended
 103 to read:

104 1003.438 Special high school graduation requirements for
 105 certain exceptional students.--A student who has been identified
 106 ~~properly classified,~~ in accordance with rules established by the
 107 State Board of Education, as a student with disabilities who has
 108 an intellectual disability; autism spectrum disorder; a language
 109 impairment; an orthopedic impairment or other health impairment;
 110 a traumatic brain injury; an emotional or behavioral disability;
 111 or a specific learning disability, including, but not limited

112 to, dyslexia, dyscalculia, or developmental aphasia, or a
113 student who is deaf or hard of hearing or dual sensory impaired,
114 ~~"educable mentally handicapped," "trainable mentally~~
115 ~~handicapped," "hearing impaired," "specific learning disabled,"~~
116 ~~"physically or language impaired," or "emotionally handicapped"~~
117 shall not be required to meet all requirements of s. 1003.43 or
118 s. 1003.428 and shall, upon meeting all applicable requirements
119 prescribed by the district school board pursuant to s. 1008.25,
120 be awarded a special diploma in a form prescribed by the
121 commissioner; however, such special graduation requirements
122 prescribed by the district school board must include minimum
123 graduation requirements as prescribed by the commissioner. Any
124 such student who meets all special requirements of the district
125 school board ~~for exceptionality,~~ but is unable to meet the
126 appropriate special state minimum requirements, shall be awarded
127 a special certificate of completion in a form prescribed by the
128 commissioner. ~~A student who has been properly classified as~~
129 ~~"profoundly handicapped" and who meets the special requirements~~
130 ~~of the district school board for a special diploma in accordance~~
131 ~~with requirements for any exceptional student identified in this~~
132 ~~section shall be awarded a special diploma; however, such a~~
133 ~~student shall alternatively be eligible for a special~~
134 ~~certificate of completion, in a form prescribed by the~~
135 ~~commissioner, if all school requirements for students who are~~
136 ~~"profoundly handicapped" have been met.~~ However, this section
137 does not limit or restrict the right of an exceptional student
138 solely to a special diploma or special certificate of
139 completion. Any such student shall, upon proper request, be

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140 | afforded the opportunity to fully meet all requirements of s.
 141 | 1003.43 or s. 1003.428 through the standard procedures
 142 | established therein and thereby to qualify for a standard
 143 | diploma upon graduation.

144 | Section 6. Subsection (2) of section 1007.02, Florida
 145 | Statutes, is amended to read:

146 | 1007.02 Access to postsecondary education and meaningful
 147 | careers for students with disabilities; popular name;
 148 | definition.--

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

159 | Section 7. Section 1007.264, Florida Statutes, is amended
 160 | to read:

161 | 1007.264 Persons with disabilities ~~Impaired and learning~~
 162 | ~~disabled persons~~; admission to postsecondary educational
 163 | institutions; substitute requirements; rules.--

164 | (1) Any student with a disability, as defined in s.
 165 | 1007.02(2), except those students who have been documented as
 166 | having intellectual disabilities ~~mental retardation~~, shall be
 167 | eligible for reasonable substitution for any requirement for

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168 admission into a public postsecondary educational institution
 169 where documentation can be provided that the person's failure to
 170 meet the admission requirement is related to the disability.

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

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

179 Section 8. Section 1007.265, Florida Statutes, is amended
 180 to read:

181 1007.265 Persons with disabilities ~~Impaired and learning~~
 182 ~~disabled persons~~; graduation, study program admission, and
 183 upper-division entry; substitute requirements; rules.--

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

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195 (2) The State Board of Education, in consultation with the
196 Board of Governors, shall adopt rules to implement this section
197 for community colleges and shall develop substitute requirements
198 where appropriate.

199 (3) The Board of Governors, in consultation with the State
200 Board of Education, shall adopt rules to implement this section
201 for state universities and shall develop substitute requirements
202 where appropriate.

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