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CS/HB 1313, Engrossed 1

2008 Legislature

1 A bill to be entitled
 2 An act relating to students with disabilities; amending
 3 ss. 1002.33, 1002.39, 1003.01, and 1003.438, F.S.,
 4 relating to charter schools, the John M. McKay
 5 Scholarships for Students with Disabilities Program,
 6 definitions, and special high school graduation
 7 requirements; revising the terminology used to identify
 8 students with certain disabilities; amending s. 1003.21,
 9 F.S., relating to school attendance; revising the
 10 terminology used to identify students with certain
 11 disabilities; authorizing the State Board of Education to
 12 adopt rules relating to the eligibility of certain
 13 children with disabilities for admission to special
 14 programs and related services; removing the authority of
 15 district school boards to adopt such rules; amending s.
 16 1004.55, F.S.; deleting a provision that prohibits direct
 17 medical intervention or pharmaceutical intervention in a
 18 regional autism center; amending ss. 1007.02, 1007.264,
 19 and 1007.265, F.S., relating to postsecondary education;
 20 revising the terminology used to identify students with
 21 intellectual, emotional, or behavioral disabilities;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (f) of subsection (10) of section
 27 1002.33, Florida Statutes, is amended to read:
 28 1002.33 Charter schools.--

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29 (10) ELIGIBLE STUDENTS.--

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

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

36 1002.39 The John M. McKay Scholarships for Students with
 37 Disabilities Program.--There is established a program that is
 38 separate and distinct from the Opportunity Scholarship Program
 39 and is named the John M. McKay Scholarships for Students with
 40 Disabilities Program.

41 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 42 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
 43 Students with Disabilities Program is established to provide the
 44 option to attend a public school other than the one to which
 45 assigned, or to provide a scholarship to a private school of
 46 choice, for students with disabilities for whom an individual
 47 educational ~~education~~ plan has been written in accordance with
 48 rules of the State Board of Education. Students with
 49 disabilities include K-12 students who are documented as having
 50 an intellectual disability ~~a mental handicap, including~~
 51 ~~trainable, profound, or educable;~~ a speech impairment; a ~~or~~
 52 language impairment; a hearing impairment, including deafness; a
 53 visual impairment, including blindness; a dual sensory
 54 impairment; an orthopedic ~~a physical~~ impairment; an other health
 55 impairment; ~~a serious emotional disturbance, including an~~
 56 emotional or behavioral disability ~~handicap;~~ a specific learning

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57 disability, including, but not limited to, dyslexia,
 58 dyscalculia, or developmental aphasia; a traumatic brain injury;
 59 a developmental delay; or autism spectrum disorder.

60 Section 3. Paragraph (a) of subsection (3) of section
 61 1003.01, Florida Statutes, is amended to read:

62 1003.01 Definitions.--As used in this chapter, the term:

63 (3) (a) "Exceptional student" means any student who has
 64 been determined eligible for a special program in accordance
 65 with rules of the State Board of Education. The term includes
 66 students who are gifted and students with disabilities who have
 67 an intellectual disability; autism spectrum disorder; a speech
 68 impairment; a language impairment; an orthopedic impairment; an
 69 other health impairment; traumatic brain injury; a visual
 70 impairment; an emotional or behavioral disability; or a specific
 71 learning disability, including, but not limited to, dyslexia,
 72 dyscalculia, or developmental aphasia; students who are deaf or
 73 hard of hearing or dual sensory impaired; students who are
 74 hospitalized or homebound; children with developmental delays
 75 ~~are mentally handicapped, speech and language impaired, deaf or~~
 76 ~~hard of hearing, visually impaired, dual sensory impaired,~~
 77 ~~physically impaired, emotionally handicapped, specific learning~~
 78 ~~disabled, hospital and homebound, autistic, developmentally~~
 79 ~~delayed children, ages birth through 5 years, or children, ages~~
 80 birth through 2 years, with established conditions that are
 81 identified in State Board of Education rules pursuant to s.
 82 1003.21(1)(e).

83 Section 4. Paragraph (e) of subsection (1) of section
 84 1003.21, Florida Statutes, is amended to read:

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85 | 1003.21 School attendance.--
 86 | (1)
 87 | (e) Consistent with rules adopted by the State Board of
 88 | Education, children with disabilities who have attained the age
 89 | of 3 years shall be eligible for admission to public special
 90 | education programs and for related services ~~under rules adopted~~
 91 | ~~by the district school board.~~ Exceptional Children with
 92 | disabilities younger than 3 years of age who are deaf or hard of
 93 | hearing;; visually impaired;; dual sensory impaired;
 94 | orthopedically impaired; other health impaired; who have
 95 | experienced traumatic brain injury; ~~severely physically~~
 96 | ~~handicapped, trainable mentally handicapped, or profoundly~~
 97 | ~~handicapped, or who have~~ autism spectrum disorder; established
 98 | conditions, or who exhibit developmental delays or intellectual
 99 | disabilities, ~~below age 3~~ may be eligible for special programs
 100 | and may receive services in accordance with rules of the State
 101 | Board of Education; ~~or, if enrolled in other school readiness~~
 102 | ~~programs, they may be eligible for supplemental instruction.~~
 103 | Rules for the identification of established conditions for
 104 | children birth through 2 years of age and developmental delays
 105 | for children birth through 5 years of age must be adopted by the
 106 | State Board of Education.

107 | Section 5. Section 1003.438, Florida Statutes, is amended
 108 | to read:

109 | 1003.438 Special high school graduation requirements for
 110 | certain exceptional students.--A student who has been identified
 111 | ~~properly classified,~~ in accordance with rules established by the
 112 | State Board of Education, as a student with disabilities who has

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

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141 ~~"profoundly handicapped" have been met.~~ However, this section
 142 does not limit or restrict the right of an exceptional student
 143 solely to a special diploma or special certificate of
 144 completion. Any such student shall, upon proper request, be
 145 afforded the opportunity to fully meet all requirements of s.
 146 1003.43 or s. 1003.428 through the standard procedures
 147 established therein and thereby to qualify for a standard
 148 diploma upon graduation.

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

151 1004.55 Regional autism centers.--

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

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

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

160 (c)3- Technical assistance and consultation services,
 161 including specific intervention and assistance for a client of
 162 the center, the client's family, and the school district, and
 163 any other services that are appropriate.

164 (d)4- Professional training programs that include
 165 developing, providing, and evaluating preservice and inservice
 166 training in state-of-the-art practices for personnel who work
 167 with the populations served by the centers and their families.

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

172 ~~(b) Direct medical intervention or pharmaceutical~~
 173 ~~intervention is prohibited in any center on or after July 1,~~
 174 ~~2008.~~

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

177 1007.02 Access to postsecondary education and meaningful
 178 careers for students with disabilities; popular name;
 179 definition.--

180 (2) For the purposes of this act, the term "student with a
 181 disability" means any student who is documented as having an
 182 intellectual disability ~~mental retardation~~; a hearing
 183 impairment, including deafness; a speech or language impairment;
 184 a visual impairment, including blindness; an emotional or
 185 behavioral disability ~~a serious emotional disturbance, including~~
 186 ~~an emotional handicap~~; an orthopedic or other health impairment;
 187 an autism spectrum disorder; a traumatic brain injury; or a
 188 specific learning disability, including, but not limited to,
 189 dyslexia, dyscalculia, or developmental aphasia.

190 Section 8. Section 1007.264, Florida Statutes, is amended
 191 to read:

192 1007.264 Persons with disabilities ~~Impaired and learning~~
 193 ~~disabled persons~~; admission to postsecondary educational
 194 institutions; substitute requirements; rules.--

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195 (1) Any student with a disability, as defined in s.
 196 1007.02(2), except those students who have been documented as
 197 having intellectual disabilities ~~mental retardation~~, shall be
 198 eligible for reasonable substitution for any requirement for
 199 admission into a public postsecondary educational institution
 200 where documentation can be provided that the person's failure to
 201 meet the admission requirement is related to the disability.

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

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

210 Section 9. Section 1007.265, Florida Statutes, is amended
 211 to read:

212 1007.265 Persons with disabilities ~~Impaired and learning~~
 213 ~~disabled persons~~; graduation, study program admission, and
 214 upper-division entry; substitute requirements; rules.--

215 (1) Any student with a disability, as defined in s.
 216 1007.02(2), in a public postsecondary educational institution,
 217 except those students who have been documented as having
 218 intellectual disabilities ~~mental retardation~~, shall be eligible
 219 for reasonable substitution for any requirement for graduation,
 220 for admission into a program of study, or for entry into the
 221 upper division where documentation can be provided that the
 222 person's failure to meet the requirement is related to the

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223 disability and where failure to meet the graduation requirement
224 or program admission requirement does not constitute a
225 fundamental alteration in the nature of the program.

226 (2) The State Board of Education, in consultation with the
227 Board of Governors, shall adopt rules to implement this section
228 for community colleges and shall develop substitute requirements
229 where appropriate.

230 (3) The Board of Governors, in consultation with the State
231 Board of Education, shall adopt rules to implement this section
232 for state universities and shall develop substitute requirements
233 where appropriate.

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