

By Senator Wise

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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 special 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

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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 disabilities  
39 include K-12 students who are documented as having an  
40 intellectual disability ~~a mental handicap, including trainable,~~  
41 ~~profound, or educable;~~ a speech impairment; a ~~or~~ language  
42 impairment; a hearing impairment, including deafness; a visual  
43 impairment, including blindness; a dual sensory impairment; an  
44 orthopedic ~~a physical~~ impairment; an other health impairment; a  
45 ~~serious emotional disturbance, including~~ an emotional or  
46 behavioral disability ~~handicap;~~ a specific learning disability,  
47 including, but not limited to, dyslexia, dyscalculia, or  
48 developmental aphasia; a traumatic brain injury; a developmental  
49 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 been  
54 determined eligible for a special program in accordance with  
55 rules of the State Board of Education. The term includes students  
56 who are gifted and students with disabilities who have an  
57 intellectual disability; autism spectrum disorder; a speech

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58 impairment; a language impairment; an orthopedic impairment; an  
59 other health impairment; traumatic brain injury; a visual  
60 impairment; an emotional or behavioral disability; or a specific  
61 learning disability, including, but not limited to, dyslexia,  
62 dyscalculia, or developmental aphasia; students who are deaf or  
63 hard of hearing or dual sensory impaired; students who are  
64 hospitalized or homebound; children with developmental delays ~~are~~  
65 mentally handicapped, speech and language impaired, deaf or hard  
66 of hearing, visually impaired, dual sensory impaired, physically  
67 impaired, emotionally handicapped, specific learning disabled,  
68 hospital and homebound, autistic, developmentally delayed  
69 children, ages birth through 5 years, or children, ages birth  
70 through 2 years, with established conditions that are identified  
71 in State Board of Education rules pursuant to s. 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; other 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

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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; an autism spectrum disorder; a  
103 | language impairment; an orthopedic impairment; an other health  
104 | impairment; a traumatic brain injury; an emotional or behavioral  
105 | disability; a specific learning disability, including, but not  
106 | limited to, dyslexia, dyscalculia, or developmental aphasia; or  
107 | students who are deaf or hard of hearing or dual sensory impaired  
108 | ~~"educable mentally handicapped," "trainable mentally~~  
109 | ~~handicapped," "hearing impaired," "specific learning disabled,"~~  
110 | ~~"physically or language impaired," or "emotionally handicapped"~~  
111 | shall not be required to meet all requirements of s. 1003.43 or  
112 | s. 1003.428 and shall, upon meeting all applicable requirements  
113 | prescribed by the district school board pursuant to s. 1008.25,  
114 | be awarded a special diploma in a form prescribed by the  
115 | commissioner; however, such special graduation requirements

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

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

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 impairment,

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145 including deafness; a speech or language impairment; a visual  
146 impairment, including blindness; an emotional or behavioral  
147 disability ~~a serious emotional disturbance, including an~~  
148 ~~emotional handicap~~; an orthopedic or other health impairment; an  
149 autism spectrum disorder; a traumatic brain injury; or a specific  
150 learning disability, including, but not limited to, dyslexia,  
151 dyscalculia, or developmental aphasia.

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

154 1007.264 Persons with disabilities ~~Impaired and learning~~  
155 ~~disabled persons~~; admission to postsecondary educational  
156 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:

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174           1007.265 Persons with disabilities ~~Impaired and learning~~  
175 ~~disabled persons~~; graduation, study program admission, and upper-  
176 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  
194 for state universities and shall develop substitute requirements  
195 where appropriate.

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