

By the Committee on Higher Education; and Senator Wise

589-07014-08

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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, 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 ss.  
16 1007.02, 1007.264, and 1007.265, F.S., relating to  
17 postsecondary education; revising the terminology used to  
18 identify students with intellectual, emotional, or  
19 behavioral disabilities; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Paragraph (f) of subsection (10) of section  
24 1002.33, Florida Statutes, is amended to read:

25 1002.33 Charter schools.--

26 (10) ELIGIBLE STUDENTS.--

27 (f) Students with disabilities ~~handicapping conditions~~ and  
28 students served in English for Speakers of Other Languages

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29 | programs shall have an equal opportunity of being selected for  
30 | enrollment in a charter school.

31 |       Section 2. Subsection (1) of section 1002.39, Florida  
32 | Statutes, is amended to read:

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

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

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57 Section 3. Paragraph (a) of subsection (3) of section  
58 1003.01, Florida Statutes, is amended to read:

59 1003.01 Definitions.--As used in this chapter, the term:

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

79 Section 4. Paragraph (e) of subsection (1) of section  
80 1003.21, Florida Statutes, is amended to read:

81 1003.21 School attendance.--

82 (1)

83 (e) Consistent with rules adopted by the State Board of  
84 Education, children with disabilities who have attained the age  
85 of 3 years shall be eligible for admission to public special

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

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

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

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

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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 impairment,  
152 including deafness; a speech or language impairment; a visual  
153 impairment, including blindness; an emotional or behavioral  
154 disability ~~a serious emotional disturbance, including an~~  
155 ~~emotional handicap~~; an orthopedic or other health impairment; an  
156 autism spectrum disorder; a traumatic brain injury; or a specific  
157 learning disability, including, but not limited to, dyslexia,  
158 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  
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

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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 upper-  
183 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.

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

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201 | for state universities and shall develop substitute requirements  
202 | where appropriate.

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