

By the Committees on Education Pre-K - 12 Appropriations; Higher Education; and 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, 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.--

29 (10) ELIGIBLE STUDENTS.--

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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 disabilities  
49 include K-12 students who are documented as having an  
50 intellectual disability ~~a mental handicap, including trainable,~~  
51 ~~profound, or educable;~~ a speech impairment; ~~a~~ ~~or~~ language  
52 impairment; a hearing impairment, including deafness; a visual  
53 impairment, including blindness; a dual sensory impairment; an  
54 orthopedic ~~a physical~~ impairment; an other health impairment; ~~a~~  
55 ~~serious emotional disturbance, including~~ an emotional or  
56 behavioral disability ~~handicap;~~ a specific learning disability,  
57 including, but not limited to, dyslexia, dyscalculia, or

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58 developmental aphasia; a traumatic brain injury; a developmental  
59 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 been  
64 determined eligible for a special program in accordance with  
65 rules of the State Board of Education. The term includes students  
66 who are gifted and students with disabilities who have an  
67 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 ~~are~~  
75 ~~mentally handicapped, speech and language impaired, deaf or hard~~  
76 ~~of hearing, visually impaired, dual sensory impaired, physically~~  
77 ~~impaired, emotionally handicapped, specific learning disabled,~~  
78 ~~hospital and homebound, autistic, developmentally delayed~~  
79 ~~children,~~ ages birth through 5 years, or children, ages birth  
80 through 2 years, with established conditions that are identified  
81 in State Board of Education rules pursuant to s. 1003.21(1)(e).

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

84 1003.21 School attendance.--

85 (1)

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

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

108 1003.438 Special high school graduation requirements for  
109 certain exceptional students.--A student who has been identified  
110 ~~properly classified,~~ in accordance with rules established by the  
111 State Board of Education, as a student with disabilities who has  
112 an intellectual disability; an autism spectrum disorder; a  
113 language impairment; an orthopedic impairment; an other health  
114 impairment; a traumatic brain injury; an emotional or behavioral

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

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144 all requirements of s. 1003.43 or s. 1003.428 through the  
145 standard procedures established therein and thereby to qualify  
146 for a standard diploma upon graduation.

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

149 1004.55 Regional autism centers.--

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

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

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

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

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

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

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

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

175 1007.02 Access to postsecondary education and meaningful  
176 careers for students with disabilities; popular name;  
177 definition.--

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

188 Section 8. Section 1007.264, Florida Statutes, is amended  
189 to read:

190 1007.264 Persons with disabilities ~~Impaired and learning~~  
191 ~~disabled persons~~; admission to postsecondary educational  
192 institutions; substitute requirements; rules.--

193 (1) Any student with a disability, as defined in s.  
194 1007.02(2), except those students who have been documented as  
195 having intellectual disabilities ~~mental retardation~~, shall be  
196 eligible for reasonable substitution for any requirement for  
197 admission into a public postsecondary educational institution  
198 where documentation can be provided that the person's failure to  
199 meet the admission requirement is related to the disability.

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

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202 for community colleges and shall develop substitute admission  
203 requirements where appropriate.

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

208 Section 9. Section 1007.265, Florida Statutes, is amended  
209 to read:

210 1007.265 Persons with disabilities ~~Impaired and learning~~  
211 ~~disabled persons~~; graduation, study program admission, and upper-  
212 division entry; substitute requirements; rules.--

213 (1) Any student with a disability, as defined in s.  
214 1007.02(2), in a public postsecondary educational institution,  
215 except those students who have been documented as having  
216 intellectual disabilities ~~mental retardation~~, shall be eligible  
217 for reasonable substitution for any requirement for graduation,  
218 for admission into a program of study, or for entry into the  
219 upper division where documentation can be provided that the  
220 person's failure to meet the requirement is related to the  
221 disability and where failure to meet the graduation requirement  
222 or program admission requirement does not constitute a  
223 fundamental alteration in the nature of the program.

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

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

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230 | for state universities and shall develop substitute requirements  
231 | where appropriate.

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