



294334

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
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1 The Committee on Education Pre-K - 12 Appropriations
2 (Constantine) recommended the following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7
8 Section 1. Subsections (3) and (4) are added to section
9 1003.57, Florida Statutes, to read:

10 1003.57 Exceptional students instruction.--

11 (3) (a) For purposes of this subsection and subsection (4):

12 1. "Agency" means the Department of Children and Family
13 Services or its contracted lead agency, the Agency for Persons
14 with Disabilities, and the Agency for Health Care Administration.

15 2. "Exceptional student" means an exceptional student, as
16 defined in s. 1003.01, who has a disability.



294334

17 3. "Receiving school district" means the district in which
18 a private residential care facility is located.

19 4. "Placement" means the funding or arrangement of funding
20 by an agency for all or a part of the cost for an exceptional
21 student to reside in a private residential care facility and the
22 placement crosses school district lines.

23 (b) Within 10 business days after an exceptional student is
24 placed in a private residential care facility by an agency, the
25 agency or private residential care facility licensed by the
26 agency, as appropriate, shall provide written notification of the
27 placement to the school district, where the student is currently
28 counted for funding purposes under s. 1011.62, and the receiving
29 school district. This paragraph applies when the placement is for
30 the primary purpose of addressing residential or other
31 noneducational needs and the placement crosses school district
32 lines.

33 (c) Within 10 business days after receiving the
34 notification, the school district must review the student's
35 individual educational plan (IEP) to determine if the student's
36 IEP can be implemented by the school district or by a provider or
37 facility under contract with the school district. The school
38 district shall:

- 39 1. Provide educational instruction to the student;
40 2. Contract with another provider or facility to provide
41 the educational instruction;
42 3. Contract with the private residential care facility in
43 which the student resides to provide the educational instruction;
44 or
45 4. Decline to provide or contract for educational
46 instruction.



294334

47
48 If the school district declines to provide or contract for the
49 educational instruction, the school district that is located
50 within the legal residence of the student shall provide or
51 contract for the educational instruction to the student. The
52 school district that provides educational instruction or
53 contracts to provide educational instruction shall report the
54 student for funding purposes pursuant s. 1011.62.

55 (d)1. The Department of Education, in consultation with the
56 agencies and school districts, shall develop procedures for
57 written notification to school districts regarding the placement
58 of an exceptional student in a residential care facility. The
59 procedures must:

60 a. Provide for written notification of a placement that
61 crosses school district lines; and

62 b. Identify the entity responsible for the notification for
63 each facility that is operated, licensed, or regulated by an
64 agency.

65 2. The State Board of Education shall adopt the procedures
66 by rule pursuant to ss. 120.536(1) and 120.54 and the agencies
67 shall implement the procedures. The Agency for Persons with
68 Disabilities shall adopt rules pursuant to ss. 120.536(1) and
69 120.54 which require a residential care facility that is licensed
70 by the Agency for Persons with Disabilities to notify school
71 districts when an exceptional student is placed in the
72 residential care facility.

73
74 The requirements of paragraphs (c) and (d) do not apply to
75 written agreements among school districts which specify each
76 school district's responsibility for providing and paying for



294334

77 educational services to an exceptional student in a residential
78 care facility. However, each agreement must require a school
79 district to review the student's IEP within 10 business days
80 after receiving the notification required under paragraph (b).

81 (4) The Department of Education and agencies shall enter
82 into an agreement for interagency coordination which incorporates
83 the elements set forth in 34 C.F.R. s. 300.154.

84 Section 2. This act shall take effect July 1, 2008.

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to exceptional students with a disability;
92 amending s. 1003.57, F.S.; providing definitions;
93 requiring the Department of Children and Family Services,
94 the Agency for Health Care Administration, and residential
95 facilities licensed by the Agency for Persons with
96 Disabilities to notify a school district under certain
97 circumstances; requiring the review of a student's
98 individual educational plan; providing for a determination
99 of responsibility for educational instruction; requiring
100 the school district to report the student for funding
101 purposes; requiring the Department of Education, in
102 consultation with specified agencies, to develop
103 procedures for the placement of students in residential
104 care facilities; requiring the State Board of Education
105 and the Agency for Persons with Disabilities to adopt
106 rules; requiring certain agencies to implement procedures;



294334

107 | requiring a cooperative agreement; providing an exception;
108 | providing an effective date.