

By Senator Constantine

22-00217-08

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1 A bill to be entitled

2 An act relating to exceptional students; amending ss.  
3 1003.57 and 1003.58, F.S.; specifying responsibility for  
4 the cost of providing educational services to an  
5 exceptional student with a disability who receives such  
6 services in a school district other than his or her  
7 assigned school district; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11 Section 1. Paragraph (b) of subsection (1) of section  
12 1003.57, Florida Statutes, is amended to read:

13 1003.57 Exceptional students instruction.--

14 (1) Each district school board shall provide for an  
15 appropriate program of special instruction, facilities, and  
16 services for exceptional students as prescribed by the State  
17 Board of Education as acceptable, including provisions that:

18 (b) The district school board provide the special  
19 instruction, classes, and services, either within the district  
20 school system, in cooperation with other district school systems,  
21 or through contractual arrangements with approved private schools  
22 or community facilities that meet standards established by the  
23 commissioner. If an exceptional student with a disability  
24 receives educational services in a school district other than his  
25 or her assigned school district, the cost of providing such  
26 services shall be borne by the school district in which the  
27 parent of the student maintains residence or, if the student no  
28 longer resides with the parent, the cost of providing such  
29 services shall be borne by the school district in which the

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30 parent maintained residence at the time the student last resided  
31 with the parent.

32 Section 2. Subsection (3) of section 1003.58, Florida  
33 Statutes, is amended to read:

34 1003.58 Students in residential care facilities.--Each  
35 district school board shall provide educational programs  
36 according to rules of the State Board of Education to students  
37 who reside in residential care facilities operated by the  
38 Department of Children and Family Services or the Agency for  
39 Persons with Disabilities.

40 (3) The district school board shall have full and complete  
41 authority in the matter of the assignment and placement of such  
42 students in educational programs. The parent of an exceptional  
43 student shall have the same due process rights as are provided  
44 under s. 1003.57(1)(e). If the residential care facility in which  
45 an exceptional student with a disability resides is located in a  
46 school district other than the student's assigned school  
47 district, the cost of providing educational services to such  
48 student shall be borne by the school district in which the parent  
49 maintained residence at the time the student last resided with  
50 the parent.

51  
52 Notwithstanding the provisions herein, the educational program at  
53 the Marianna Sunland Center in Jackson County shall be operated  
54 by the Department of Education, either directly or through grants  
55 or contractual agreements with other public or duly accredited  
56 educational agencies approved by the Department of Education.

57 Section 3. This act shall take effect July 1, 2008.