

By the Committees on Education Pre-K - 12 Appropriations;
Education Pre-K - 12; and Senator Constantine

602-08337-08

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1 A bill to be entitled

2 An act relating to exceptional students with a disability;
3 amending s. 1003.57, F.S.; providing definitions;
4 requiring the Department of Children and Family Services,
5 the Agency for Health Care Administration, and residential
6 facilities licensed by the Agency for Persons with
7 Disabilities to notify a school district under certain
8 circumstances; requiring the review of a student's
9 individual educational plan; providing for a determination
10 of responsibility for educational instruction; requiring
11 the school district to report the student for funding
12 purposes; requiring the Department of Education, in
13 consultation with specified agencies, to develop
14 procedures for the placement of students in residential
15 care facilities; requiring the State Board of Education
16 and the Agency for Persons with Disabilities to adopt
17 rules; requiring certain agencies to implement procedures;
18 requiring a cooperative agreement; providing an exception;
19 providing an effective date.

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

22
23 Section 1. Subsections (3) and (4) are added to section
24 1003.57, Florida Statutes, to read:

25 1003.57 Exceptional students instruction.--

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

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

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

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

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

38 (b) Within 10 business days after an exceptional student is
39 placed in a private residential care facility by an agency, the
40 agency or private residential care facility licensed by the
41 agency, as appropriate, shall provide written notification of the
42 placement to the school district, where the student is currently
43 counted for funding purposes under s. 1011.62, and the receiving
44 school district. This paragraph applies when the placement is for
45 the primary purpose of addressing residential or other
46 noneducational needs and the placement crosses school district
47 lines.

48 (c) Within 10 business days after receiving the
49 notification, the school district must review the student's
50 individual educational plan (IEP) to determine if the student's
51 IEP can be implemented by the school district or by a provider or
52 facility under contract with the school district. The school
53 district shall:

54 1. Provide educational instruction to the student;

55 2. Contract with another provider or facility to provide
56 the educational instruction;

57 3. Contract with the private residential care facility in
58 which the student resides to provide the educational instruction;

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59 | or

60 | 4. Decline to provide or contract for educational
61 | instruction.

62 |
63 | If the school district declines to provide or contract for the
64 | educational instruction, the school district that is located
65 | within the legal residence of the student shall provide or
66 | contract for the educational instruction to the student. The
67 | school district that provides educational instruction or
68 | contracts to provide educational instruction shall report the
69 | student for funding purposes pursuant s. 1011.62.

70 | (d)1. The Department of Education, in consultation with the
71 | agencies and school districts, shall develop procedures for
72 | written notification to school districts regarding the placement
73 | of an exceptional student in a residential care facility. The
74 | procedures must:

75 | a. Provide for written notification of a placement that
76 | crosses school district lines; and

77 | b. Identify the entity responsible for the notification for
78 | each facility that is operated, licensed, or regulated by an
79 | agency.

80 | 2. The State Board of Education shall adopt the procedures
81 | by rule pursuant to ss. 120.536(1) and 120.54 and the agencies
82 | shall implement the procedures. The Agency for Persons with
83 | Disabilities shall adopt rules pursuant to ss. 120.536(1) and
84 | 120.54 which require a residential care facility that is licensed
85 | by the Agency for Persons with Disabilities to notify school
86 | districts when an exceptional student is placed in the
87 | residential care facility.

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89 The requirements of paragraphs (c) and (d) do not apply to
90 written agreements among school districts which specify each
91 school district's responsibility for providing and paying for
92 educational services to an exceptional student in a residential
93 care facility. However, each agreement must require a school
94 district to review the student's IEP within 10 business days
95 after receiving the notification required under paragraph (b).

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

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