

1 A bill to be entitled

2 An act relating to exceptional students; amending ss.
3 1003.57 and 1003.58, F.S.; requiring an agency that places
4 exceptional students with disabilities in certain private
5 residential care facilities to make best efforts to ensure
6 negotiation between school districts of the cost of that
7 placement, including the cost of specified educational
8 services; requiring an agency, prior to placement of a
9 student, to notify the district school boards of the
10 student's assigned school district and of the school
11 district in which the private residential care facility is
12 located; providing responsibility for the cost of
13 providing educational services to an exceptional student
14 with a disability who receives such services in a school
15 district other than his or her assigned school district;
16 specifying requirements for exceptional students with
17 disabilities who are placed in certain private residential
18 care facilities and participate in state school choice
19 scholarship programs; defining terms; requiring a study by
20 the Office of Program Policy Analysis and Government
21 Accountability on the provision of educational services to
22 certain exceptional students referred to or placed in
23 private residential care facilities; defining terms;
24 requiring a report with recommendations; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Paragraph (b) of subsection (1) of section
30 1003.57, Florida Statutes, is amended to read:

31 1003.57 Exceptional students instruction.--

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

36 (b) The district school board provide the special
37 instruction, classes, and services, either within the district
38 school system, in cooperation with other district school
39 systems, or through contractual arrangements with approved
40 private schools or community facilities that meet standards
41 established by the commissioner. At least 30 days prior to an
42 agency placing an exceptional student with a disability in a
43 private residential care facility that is not located in the
44 student's assigned school district, the agency shall provide
45 written notice of the future placement to both the district
46 school board of the student's assigned school district and the
47 district school board of the school district in which the
48 private residential care facility is located and shall make best
49 efforts to ensure that the assigned school district and the
50 school district in which the student is to be placed enter into
51 an agreement concerning the cost of that placement, including
52 the cost of educational services that exceeds funding generated
53 through the Florida Education Finance Program under s. 1011.62.
54 If an agreement cannot be reached, the funding generated through
55 the Florida Education Finance Program by the student's assigned
56 school district shall follow the student in full and the cost of

57 educational services that exceeds such funding shall be shared
58 equally by the student's assigned school district, the school
59 district in which the student is placed, and the Department of
60 Education. An exceptional student with a disability who is
61 placed in a private residential care facility that is not
62 located in the student's assigned school district and who
63 receives a scholarship through a state school choice scholarship
64 program described in s. 1002.421 must remain at the private
65 residential care facility until he or she completes the academic
66 program in which enrolled or achieves academic proficiency as
67 determined by the student's assigned school district. For
68 purposes of this paragraph, the term:

69 1. "Agency" means the Agency for Persons with Disabilities
70 or the Department of Children and Family Services.

71 2. "Assigned school district" means the school district
72 that developed the student's most recent individual education
73 plan.

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

76 1003.58 Students in residential care facilities.--Each
77 district school board shall provide educational programs
78 according to rules of the State Board of Education to students
79 who reside in residential care facilities operated by the
80 Department of Children and Family Services or the Agency for
81 Persons with Disabilities.

82 (3) The district school board shall have full and complete
83 authority in the matter of the assignment and placement of such
84 students in educational programs. The parent of an exceptional

85 student shall have the same due process rights as are provided
86 under s. 1003.57(1)(e). At least 30 days prior to an agency
87 placing an exceptional student with a disability in a private
88 residential care facility that is not located in the student's
89 assigned school district, the agency shall provide written
90 notice of the future placement to both the district school board
91 of the student's assigned school district and the district
92 school board of the school district in which the private
93 residential care facility is located and shall make best efforts
94 to ensure that the assigned school district and the school
95 district in which the student is to be placed enter into an
96 agreement concerning the cost of that placement, including the
97 cost of educational services that exceeds funding generated
98 through the Florida Education Finance Program under s. 1011.62.
99 If an agreement cannot be reached, the funding generated through
100 the Florida Education Finance Program by the student's assigned
101 school district shall follow the student in full and the cost of
102 educational services that exceeds such funding shall be shared
103 equally by the student's assigned school district, the school
104 district in which the student is placed, and the Department of
105 Education. An exceptional student with a disability who is
106 placed in a private residential care facility that is not
107 located in the student's assigned school district and who
108 receives a scholarship through a state school choice scholarship
109 program described in s. 1002.421 must remain at the private
110 residential care facility until he or she completes the academic
111 program in which enrolled or achieves academic proficiency as
112 determined by the student's assigned school district. For

113 purposes of this subsection, the term:

114 (a) "Agency" means the Agency for Persons with
 115 Disabilities or the Department of Children and Family Services.

116 (b) "Assigned school district" means the school district
 117 that developed the student's most recent individual education
 118 plan.

119
 120 Notwithstanding the provisions herein, the educational program
 121 at the Marianna Sunland Center in Jackson County shall be
 122 operated by the Department of Education, either directly or
 123 through grants or contractual agreements with other public or
 124 duly accredited educational agencies approved by the Department
 125 of Education.

126 Section 3. Exceptional student education for in-state
 127 students placed in private residential care facilities.--

128 (1) The Office of Program Policy Analysis and Government
 129 Accountability shall conduct a study on the provision of
 130 educational services to certain exceptional students. For
 131 purposes of this section, the term:

132 (a) "Agency" means an entity in the executive branch of
 133 state government.

134 (b) "Exceptional student" means an exceptional student
 135 with a disability as defined in s. 1003.01(3), Florida Statutes,
 136 whose parent resides in Florida and who is referred to or placed
 137 by an agency in a private residential care facility.

138 (2) In conducting the study required by this section, the
 139 Office of Program Policy Analysis and Government Accountability
 140 shall:

141 (a) Review and summarize federal and state law and
142 administrative rules relating to the requirements for
143 educational services for exceptional students.

144 (b) Identify the practices implemented by agencies and
145 district school boards for the provision of educational services
146 to exceptional students. Such identification shall include, but
147 is not limited to:

148 1. Agency practices, prior to referral or placement, for
149 notifying and consulting with the district school board that is
150 currently serving the exceptional student and the district
151 school board of the school district in which the private
152 residential care facility is located.

153 2. Agency and district school board practices for
154 allocating financial and other responsibilities associated with
155 the provision of educational services to an exceptional student.

156 (3) A final report of the study shall be submitted to the
157 President of the Senate and the Speaker of the House of
158 Representatives by December 1, 2008. The final report shall
159 include an evaluation of the practices identified under
160 paragraph (2)(b) and recommendations for the improvement of
161 those practices. The recommendations shall include, but not be
162 limited to, proposed statutory changes that will ensure the
163 equitable allocation of agency and district school board
164 responsibilities related to the provision of educational
165 services to exceptional students.

166 Section 4. This act shall take effect July 1, 2008.