

1                                   A bill to be entitled  
 2       An act relating to exceptional students; amending s.  
 3       1003.57, F.S.; providing definitions; requiring the  
 4       Department of Education, in consultation with specified  
 5       agencies, to develop procedures relating to notification  
 6       of school districts of the placement of exceptional  
 7       students in residential care facilities; requiring a  
 8       school district to review a student's individual education  
 9       plan; providing for a determination of responsibility for  
 10      educational instruction; requiring specified reporting of  
 11      a student for funding purposes; amending s. 1003.58, F.S.;  
 12      requiring a cooperative agreement for interagency  
 13      coordination to ensure that certain services are provided  
 14      for students in residential care facilities; providing an  
 15      effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19       Section 1. Subsection (3) is added to section 1003.57,  
 20 Florida Statutes, to read:

21       1003.57 Exceptional students instruction.--

22       (3) (a) For purposes of this subsection:

23       1. "Agency" means the Department of Children and Family  
 24 Services or its contracted lead agency, the Agency for Persons  
 25 with Disabilities, and the Agency for Health Care  
 26 Administration.

27       2. "Home school district" means the district that is the  
 28 legal residence of the student.

29        3. "Receiving school district" means the district in which  
30 the private residential care facility serving a student is  
31 located.

32        4. "Residential placement" or "placement" occurs when an  
33 agency has funded or arranged for the funding of all or a part  
34 of the cost of an exceptional student to live in a facility that  
35 provides educational services operated or licensed by the  
36 agency.

37        (b) The Department of Education, in consultation with the  
38 Department of Children and Family Services, the Agency for  
39 Persons with Disabilities, the Agency for Health Care  
40 Administration, and school districts, shall develop procedures  
41 for the timely notification of school districts regarding the  
42 placement of exceptional students in residential care  
43 facilities. The procedures must provide written notification  
44 within 10 days after the residential placement to the school  
45 district where the child is currently reported as a full-time  
46 equivalent student for Florida Education Finance Program  
47 purposes and to the school district where the facility is  
48 located if the facility is located in a different school  
49 district. The procedures must also identify the agency or other  
50 entity responsible for notification for each type of facility  
51 that the agencies operate, regulate, or license. Notification,  
52 as required by this subsection, for students admitted to  
53 residential care facilities licensed by the Agency for Persons  
54 with Disabilities shall be provided by the facility.

55        (c) Within 10 days after receiving the written  
56 notification, the receiving school district must review the

57 student's individual education plan to determine if the student  
58 may benefit from instruction provided by the school district or  
59 by a provider or facility under contract with the school  
60 district. The school district shall:

61 1. Provide educational instruction to the student;

62 2. Contract with another provider or facility to provide  
63 the educational instruction;

64 3. Contract with the private residential care facility in  
65 which the student resides to provide the educational  
66 instruction; or

67 4. Decline to provide or contract for educational  
68 instruction. If the receiving school district declines to  
69 provide or contract for the educational instruction, the home  
70 school district of the student shall provide or contract for the  
71 educational instruction to the student.

72 (d) The school district that provides or contracts to  
73 provide educational instruction shall report the student for  
74 funding purposes under s. 1011.62.

75 Section 2. Subsection (4) of section 1003.58, Florida  
76 Statutes, is amended to read:

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

83 (4) (a) The district school board shall have a written  
84 agreement with the Department of Children and Family Services

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85 and the Agency for Persons with Disabilities outlining the  
86 respective duties and responsibilities of each party.

87 (b) The Department of Education, the Department of  
88 Children and Family Services, the Agency for Persons with  
89 Disabilities, and the Agency for Health Care Administration  
90 shall enter into a cooperative agreement for interagency  
91 coordination to ensure that the services required by the  
92 Individuals with Disabilities Education Act are provided. The  
93 agreement shall incorporate the elements set out in 34 C.F.R. s.  
94 300.154.

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96 Notwithstanding the provisions herein, the educational program  
97 at the Marianna Sunland Center in Jackson County shall be  
98 operated by the Department of Education, either directly or  
99 through grants or contractual agreements with other public or  
100 duly accredited educational agencies approved by the Department  
101 of Education.

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