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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2009	.	
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The Committee on Education Pre-K - 12 (Constantine) recommended the following:

1 **Senate Amendment to Amendment (561974) (with title**
2 **amendment)**

3
4 Delete line 508
5 and insert:

6
7 Section 7. Subsections (3) and (4) are added to section
8 1003.57, Florida Statutes, to read:

9 1003.57 Exceptional students instruction.—

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

11 1. "Agency" means the Department of Children and Family



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12 Services or its contracted lead agency, the Agency for Persons
13 with Disabilities, and the Agency for Health Care
14 Administration.

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

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
27 the placement to the school district where the student is
28 currently counted for funding purposes under s. 1011.62 and the
29 receiving school district. This paragraph applies when the
30 placement is for the primary purpose of addressing residential
31 or other noneducational needs and the placement crosses school
32 district 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
37 or 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



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41 the educational instruction;

42 3. Contract with the private residential care facility in
43 which the student resides to provide the educational
44 instruction; or

45 4. Decline to provide or contract for educational
46 instruction.

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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.

68 3. A residential care facility that is licensed by the
69 Agency for Persons with Disabilities shall provide written



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70 notification to school districts when an exceptional student is
71 placed in the residential care facility.

72
73 The requirements of paragraphs (c) and (d) do not apply to
74 written agreements among school districts which specify each
75 school district's responsibility for providing and paying for
76 educational services to an exceptional student in a residential
77 care facility. However, each agreement must require a school
78 district to review the student's IEP within 10 business days
79 after receiving the notification required under paragraph (b).

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

83 Section 8. This act shall take effect July 1, 2009.

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87
88 Delete line 541

89 and insert:

90
91 amending s. 1003.57, F.S.; providing definitions;
92 requiring the Department of Children and Family
93 Services, the Agency for Health Care Administration,
94 and residential facilities licensed by the Agency for
95 Persons with Disabilities to notify certain school
96 districts following the placement of an exceptional
97 student in a private residential care facility;
98 requiring review of the student's individual



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99 educational plan; providing for determining
100 responsibility for educational instruction; requiring
101 the school district to report the student for funding
102 purposes; requiring the Department of Education, in
103 consultation with specified agencies, to develop
104 procedures for the placement of students in
105 residential care facilities; requiring the State Board
106 of Education to adopt rules; requiring certain
107 agencies to implement procedures; requiring a
108 cooperative agreement between school districts;
109 providing an exception; providing an effective date.