

By Senator Constantine

22-00119-09

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

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsections (3) and (4) are added to section
26 1003.57, Florida Statutes, to read:

27 1003.57 Exceptional students instruction.—

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

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

22-00119-09

2009122

30 Services or its contracted lead agency, the Agency for Persons
31 with Disabilities, and the Agency for Health Care
32 Administration.

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

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

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

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

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

57 1. Provide educational instruction to the student;

58 2. Contract with another provider or facility to provide

22-00119-09

2009122__

59 the educational instruction;

60 3. Contract with the private residential care facility in
61 which the student resides to provide the educational
62 instruction; or

63 4. Decline to provide or contract for educational
64 instruction.

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

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

78 a. Provide for written notification of a placement that
79 crosses school district lines; and

80 b. Identify the entity responsible for the notification for
81 each facility that is operated, licensed, or regulated by an
82 agency.

83 2. The State Board of Education shall adopt the procedures
84 by rule pursuant to ss. 120.536(1) and 120.54 and the agencies
85 shall implement the procedures.

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

22-00119-09

2009122__

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

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

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

101 Section 2. This act shall take effect July 1, 2009.