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1 A bill to be entitled  
2 An act relating to the education of children with  
3 disabilities; providing a short title; amending s.  
4 402.305, F.S.; requiring minimum training for child care  
5 personnel to include the identification and care of  
6 children with developmental disabilities; amending s.  
7 1002.39, F.S.; revising requirements for student  
8 eligibility to participate in the John M. McKay  
9 Scholarships for Students with Disabilities Program;  
10 amending s. 1004.55, F.S.; requiring regional autism  
11 centers to provide certain support for serving children  
12 with developmental disabilities; creating s. 1012.582,  
13 F.S.; requiring the Department of Education to incorporate  
14 course curricula relating to developmental disabilities  
15 into existing requirements for the continuing education or  
16 inservice training of instructional personnel; requiring  
17 the Commissioner of Education to make recommendations to  
18 the department relating to developmental disabilities  
19 awareness instruction and methods for teaching students  
20 with developmental disabilities; authorizing the State  
21 Board of Education to adopt rules; providing an effective  
22 date.

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

25  
26 Section 1. This act may be cited as the "Disabilities in  
27 Education Act."

28 Section 2. Paragraph (d) of subsection (2) of section  
 29 402.305, Florida Statutes, is amended to read:

30 402.305 Licensing standards; child care facilities.—

31 (2) PERSONNEL.—Minimum standards for child care personnel  
 32 shall include minimum requirements as to:

33 (d) Minimum training requirements for child care  
 34 personnel.

35 1. Such minimum standards for training shall ensure that  
 36 all child care personnel take an approved 40-clock-hour  
 37 introductory course in child care, which course covers at least  
 38 the following topic areas:

39 a. State and local rules and regulations which govern  
 40 child care.

41 b. Health, safety, and nutrition.

42 c. Identifying and reporting child abuse and neglect.

43 d. Child development, including typical and atypical  
 44 language, cognitive, motor, social, and self-help skills  
 45 development.

46 e. Observation of developmental behaviors, including using  
 47 a checklist or other similar observation tools and techniques to  
 48 determine the child's developmental age level.

49 f. Specialized areas, including computer technology for  
 50 professional and classroom use and early literacy and language  
 51 development of children from birth to 5 years of age, as  
 52 determined by the department, for owner-operators and child care  
 53 personnel of a child care facility.

54 g. Developmental disabilities, including autism spectrum  
 55 disorder, and early identification, use of available state and

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56 local resources, classroom integration, and positive behavioral  
57 supports for children with developmental disabilities.

58  
59 Within 90 days after employment, child care personnel shall  
60 begin training to meet the training requirements. Child care  
61 personnel shall successfully complete such training within 1  
62 year after the date on which the training began, as evidenced by  
63 passage of a competency examination. Successful completion of  
64 the 40-clock-hour introductory course shall articulate into  
65 community college credit in early childhood education, pursuant  
66 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
67 the required training shall be granted to child care personnel  
68 based upon educational credentials or passage of competency  
69 examinations. Child care personnel possessing a 2-year degree or  
70 higher that includes 6 college credit hours in early childhood  
71 development or child growth and development, or a child  
72 development associate credential or an equivalent state-approved  
73 child development associate credential, or a child development  
74 associate waiver certificate shall be automatically exempted  
75 from the training requirements in sub-subparagraphs b., d., and  
76 e.

77 2. The introductory course in child care shall stress, to  
78 the extent possible, an interdisciplinary approach to the study  
79 of children.

80 3. The introductory course shall cover recognition and  
81 prevention of shaken baby syndrome, prevention of sudden infant  
82 death syndrome, recognition and care of infants and toddlers  
83 with developmental disabilities, including autism spectrum

84 disorder, and early childhood brain development within the topic  
85 areas identified in this paragraph.

86 4. On an annual basis in order to further their child care  
87 skills and, if appropriate, administrative skills, child care  
88 personnel who have fulfilled the requirements for the child care  
89 training shall be required to take an additional 1 continuing  
90 education unit of approved inservice training, or 10 clock hours  
91 of equivalent training, as determined by the department.

92 5. Child care personnel shall be required to complete 0.5  
93 continuing education unit of approved training or 5 clock hours  
94 of equivalent training, as determined by the department, in  
95 early literacy and language development of children from birth  
96 to 5 years of age one time. The year that this training is  
97 completed, it shall fulfill the 0.5 continuing education unit or  
98 5 clock hours of the annual training required in subparagraph 4.

99 6. Procedures for ensuring the training of qualified child  
100 care professionals to provide training of child care personnel,  
101 including onsite training, shall be included in the minimum  
102 standards. It is recommended that the state community child care  
103 coordination agencies (central agencies) be contracted by the  
104 department to coordinate such training when possible. Other  
105 district educational resources, such as community colleges and  
106 career programs, can be designated in such areas where central  
107 agencies may not exist or are determined not to have the  
108 capability to meet the coordination requirements set forth by  
109 the department.

110 7. Training requirements shall not apply to certain  
111 occasional or part-time support staff, including, but not

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112 limited to, swimming instructors, piano teachers, dance  
113 instructors, and gymnastics instructors.

114 8. The department shall evaluate or contract for an  
115 evaluation for the general purpose of determining the status of  
116 and means to improve staff training requirements and testing  
117 procedures. The evaluation shall be conducted every 2 years. The  
118 evaluation shall include, but not be limited to, determining the  
119 availability, quality, scope, and sources of current staff  
120 training; determining the need for specialty training; and  
121 determining ways to increase inservice training and ways to  
122 increase the accessibility, quality, and cost-effectiveness of  
123 current and proposed staff training. The evaluation methodology  
124 shall include a reliable and valid survey of child care  
125 personnel.

126 9. The child care operator shall be required to take basic  
127 training in serving children with disabilities within 5 years  
128 after employment, either as a part of the introductory training  
129 or the annual 8 hours of inservice training.

130 Section 3. Paragraph (a) of subsection (2) of section  
131 1002.39, Florida Statutes, is amended to read:

132 1002.39 The John M. McKay Scholarships for Students with  
133 Disabilities Program.—There is established a program that is  
134 separate and distinct from the Opportunity Scholarship Program  
135 and is named the John M. McKay Scholarships for Students with  
136 Disabilities Program.

137 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
138 public school student with a disability who is dissatisfied with  
139 the student's progress may request and receive from the state a

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140 John M. McKay Scholarship for the child to enroll in and attend  
141 a private school in accordance with this section if:

142 (a) The student has spent 6 months or more during the  
143 prior school year in attendance at a Florida public school or  
144 the Florida School for the Deaf and the Blind. Prior school year  
145 in attendance means that the student was:

146 1. Enrolled and reported by a school district for funding  
147 in the ~~during the preceding October and February~~ Florida  
148 Education Finance Program surveys in kindergarten through grade  
149 12, which shall include time spent in a Department of Juvenile  
150 Justice commitment program if funded under the Florida Education  
151 Finance Program;

152 2. Enrolled and reported by the Florida School for the  
153 Deaf and the Blind in the ~~during the preceding October and~~  
154 ~~February~~ student membership surveys in kindergarten through  
155 grade 12; or

156 3. Enrolled and reported by a school district for funding  
157 in the ~~during the preceding October and February~~ Florida  
158 Education Finance Program surveys, was at least 4 years old when  
159 so enrolled and reported, and was eligible for services under s.  
160 1003.21(1)(e).

161  
162 However, a dependent child of a member of the United States  
163 Armed Forces who transfers to a school in this state from out of  
164 state or from a foreign country pursuant to a parent's permanent  
165 change of station orders is exempt from this paragraph but must  
166 meet all other eligibility requirements to participate in the  
167 program.

168 Section 4. Paragraphs (f) and (g) are added to subsection  
 169 (4) of section 1004.55, Florida Statutes, to read:

170 1004.55 Regional autism centers.—

171 (4) Each center shall provide:

172 (f) Coordination and dissemination of local and regional  
 173 information regarding available resources for services for  
 174 children with the developmental disabilities described in  
 175 subsection (1).

176 (g) Support to state agencies in the development of  
 177 training for early child care providers and educators with  
 178 respect to the developmental disabilities described in  
 179 subsection (1).

180 Section 5. Section 1012.582, Florida Statutes, is created  
 181 to read:

182 1012.582 Continuing education and inservice training for  
 183 teaching students with developmental disabilities.—

184 (1) Beginning with the 2010-2011 school year, the  
 185 Department of Education shall incorporate the course curricula  
 186 recommended by the Commissioner of Education, pursuant to  
 187 subsection (2), into existing requirements for the continuing  
 188 education or inservice training of instructional personnel. The  
 189 requirements of this section may not add to the total hours  
 190 required for continuing education or inservice training as  
 191 currently established by the Department of Education.

192 (2) The Commissioner of Education shall develop  
 193 recommendations to incorporate autism spectrum disorder and  
 194 other developmental disabilities awareness instruction into  
 195 continuing education or inservice training requirements for

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196 instructional personnel. The commissioner shall recommend  
197 methods for teaching students who have autism spectrum disorder  
198 or developmental disabilities to be incorporated into continuing  
199 education and inservice and other training programs for  
200 instructional personnel, where appropriate. In developing the  
201 recommendations, the commissioner shall consult with the State  
202 Surgeon General, the Director of the Agency for Persons with  
203 Disabilities, representatives from the education community in  
204 the state, and representatives from entities that promote  
205 awareness about autism spectrum disorder and other developmental  
206 disabilities and provide programs and services to persons with  
207 developmental disabilities, including, but not limited to,  
208 regional autism centers pursuant to s. 1004.55. The  
209 recommendations shall address, but not be limited to addressing:

210 (a) Early identification of, and intervention for,  
211 students who have autism spectrum disorder or other  
212 developmental disabilities.

213 (b) Curriculum planning and curricular and instructional  
214 modifications, adaptations, and specialized strategies and  
215 techniques.

216 (c) Assistive technology.

217 (d) Inclusive classroom educational practices, including  
218 use of collaborative partnerships.

219 (e) The use of available state and local resources.

220 (f) The use of positive behavioral supports.

221 (3) The State Board of Education shall adopt rules  
222 pursuant to ss. 120.536(1) and 120.54 as necessary to implement  
223 this section.

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Section 6. This act shall take effect July 1, 2010.