

By Senator Storms

10-01961B-10

20102472

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
5 care personnel to include the identification and care
6 of children with developmental disabilities; amending
7 s. 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
12 children with developmental disabilities; creating s.
13 1012.582, F.S.; requiring the Department of Education
14 to incorporate course curricula relating to
15 developmental disabilities into existing requirements
16 for the continuing education or inservice training of
17 instructional personnel; requiring the Commissioner of
18 Education to make recommendations to the department
19 relating to developmental disabilities awareness
20 instruction and methods for teaching students with
21 developmental disabilities; authorizing the State
22 Board of Education to adopt rules; providing an
23 effective date.

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

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

29 Section 2. Paragraph (d) of subsection (2) of section

10-01961B-10

20102472

30 402.305, Florida Statutes, is amended to read:

31 402.305 Licensing standards; child care facilities.—

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

34 (d) Minimum training requirements for child care 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 child
40 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
56 local resources, classroom integration, and positive behavioral
57 supports for children with developmental disabilities.

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10-01961B-10

20102472__

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

10-01961B-10

20102472

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
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

10-01961B-10

20102472__

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
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 prior
143 school year in attendance at a Florida public school or the
144 Florida School for the Deaf and the Blind. Prior school year in
145 attendance means that the student was:

10-01961B-10

20102472

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 Deaf
153 and the Blind in the ~~during the preceding October and February~~
154 student membership surveys in kindergarten through grade 12; ~~or~~

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

160 4. Enrolled in the Florida Virtual School; or

161 5. Enrolled in the school district's virtual education
162 program or curriculum.

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

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

172 1004.55 Regional autism centers.—

173 (4) Each center shall provide:

174 (f) Coordination and dissemination of local and regional

10-01961B-10

20102472

175 information regarding available resources for services for
176 children with the developmental disabilities described in
177 subsection (1).

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

182 Section 5. Section 1012.582, Florida Statutes, is created
183 to read:

184 1012.582 Continuing education and inservice training for
185 teaching students with developmental disabilities.-

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

194 (2) The Commissioner of Education shall develop
195 recommendations to incorporate autism spectrum disorder and
196 other developmental disabilities awareness instruction into
197 continuing education or inservice training requirements for
198 instructional personnel. The commissioner shall recommend
199 methods for teaching students who have autism spectrum disorder
200 or developmental disabilities to be incorporated into continuing
201 education and inservice and other training programs for
202 instructional personnel, where appropriate. In developing the
203 recommendations, the commissioner shall consult with the State

10-01961B-10

20102472

204 Surgeon General, the director of the Agency for Persons with
205 Disabilities, representatives from the education community in
206 the state, and representatives from entities that promote
207 awareness about autism spectrum disorder and other developmental
208 disabilities and provide programs and services to persons with
209 developmental disabilities, including, but not limited to,
210 regional autism centers pursuant to s. 1004.55. The
211 recommendations shall address, but not be limited to addressing:

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

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

218 (c) Assistive technology.

219 (d) Inclusive classroom educational practices, including
220 use of collaborative partnerships.

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

222 (f) The use of positive behavioral supports.

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

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