

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 578

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness

DATE: March 21, 2011                      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Daniell | Walsh          | CF        | <b>Pre-meeting</b> |
| 2. |         |                | ED        |                    |
| 3. |         |                | BC        |                    |
| 4. |         |                |           |                    |
| 5. |         |                |           |                    |
| 6. |         |                |           |                    |

**I. Summary:**

This bill requires that district school boards provide disability history awareness and instruction during the first week in October in all K-12 public schools. The instruction must be provided by individuals who are certified to provide instruction in disability awareness or by teachers who specialize in exceptional student education.

The bill requires the Governor’s Commission on Disabilities (commission) to initiate a study undertaken by a private nonprofit entity to evaluate and recommend standards and criteria necessary for providers to conduct disability awareness training, to establish guidelines and curriculum for a certification program, and to provide a summary of current trends in training in disability awareness.

The bill provides that beginning July 1, 2012, the commission shall oversee a statewide program for providers of training and certified instructors in disability awareness. The bill provides requirements for authorized training providers throughout the state, as well as requirements for individuals seeking certification to provide instruction in disability awareness. Both providers and instructors will pay a fee for application and renewal of their certification.

The bill authorizes the commission to adopt rules to implement the provisions of the bill.

This bill substantially amends section 1003.4205, Florida Statutes. The bill creates an unnumbered section of the Florida Statutes.

## II. Present Situation:

### Disability History and Awareness

According to a U.S. Census Bureau report, one in five United States residents – or around 54 million Americans – reported some level of disability in 2005.<sup>1</sup> Approximately 13 percent of children age 6 to 14 have a disability,<sup>2</sup> and as of 2007, 95 percent of students age 6 to 21 were taught in a general education classroom.<sup>3</sup> According to the Museum for DisABILITY History, students:

benefit from learning about the story of people with disabilities, including how they used to be viewed and treated, how conditions have changed over time and how individuals with disabilities are currently actively involved in self-advocacy and in their communities. Given the context of disability history, students will be equipped with the tools needed to engage in critical thinking and will be more likely to view individuals with disabilities as people deserving of dignity and respect just like everyone else.<sup>4</sup>

On this premise, disability advocates began a campaign to help create understanding and to celebrate the history of individuals with disabilities, and in 2006, West Virginia passed the first Disability History Week bill.<sup>5</sup> Fourteen other states, including Florida, have since passed similar legislation.<sup>6</sup>

In 2008, the Florida Legislature created s. 1003.4205, F.S.,<sup>7</sup> which authorizes each district school board to provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October. During “Disability History and Awareness Weeks,” students may be provided with instruction to expand their knowledge, understanding, and awareness of individuals with disabilities and the history of disability and the disability rights movement. The instruction of these things can be integrated into the existing school curriculum and may be taught by qualified school personnel or knowledgeable guest speakers.

The Bureau of Exceptional Education and Student Services, within the Department of Education (DOE), developed the Disability History and Awareness: A Resource Guide (guide) in order to help school districts promote Disability History and Awareness Weeks.<sup>8</sup> The guide includes, among other things:

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<sup>1</sup> Disabled World, *New Statistics 54.4 Million Americans with a Disability* (Dec. 20, 2008), <http://www.disabled-world.com/disability/statistics/us-disability-stats.php> (last visited Mar. 17, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> Nat’l Ctr. for Education Statistics, *Fast Facts*, <http://nces.ed.gov/fastfacts/display.asp?id=59> (last visited Mar. 17, 2011).

<sup>4</sup> Museum of DisABILITY History, *Disability History Week: Importance*, <http://disabilityhistoryweek.org/pages/importance/> (last visited Mar. 17, 2011).

<sup>5</sup> Museum of DisABILITY History, *Disability History Week: National Disability History Week Initiative*, <http://www.disabilityhistoryweek.org/blogs/read/9> (last visited Mar. 17, 2011).

<sup>6</sup> *Id.*

<sup>7</sup> Chapter 2008-156, s. 1, Laws of Fla.

<sup>8</sup> Bureau of Exceptional Education and Student Services, Dep’t of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf> (last visited Mar. 17, 2011).

- Promotional ideas to help schools promote disability history and awareness;
- Flyers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning “people first” language;
- A guide to differentiated instruction;
- A copy of “A Legislative History of Florida’s Exceptional Student Education Program”; and
- A list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.<sup>9</sup>

In 2010, s. 1012.582, F.S., was created and directed the Commissioner of Education (commissioner) to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.<sup>10</sup> The commissioner was instructed to address:

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.<sup>11</sup>

The statute required DOE to incorporate the course curricula recommended by the commission in the 2010-2011 school year.

### **Governor’s Commission on Disabilities**

The Governor’s Commission on Disabilities (commission) was created by Governor Crist on July 26, 2007, by Executive Order 07-148 to “advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations.”<sup>12</sup> The commission was scheduled to sunset on July 26, 2008, unless its existence was extended by the Governor. Governor Crist maintained the commission by Executive Order 08-193, which authorized the commission to continue to work in the areas identified in its July 2008 Report to the Governor.<sup>13</sup> The Governor appoints the members of the commission and those members serve a one-year term.<sup>14</sup> The commission is located, for administrative purposes only, within the Department of Management Services.<sup>15</sup> Although the most recent executive order authorizing the existence of the

<sup>9</sup> *Id.* at 1.

<sup>10</sup> Chapter 2010-224, s. 6, Laws of Fla.

<sup>11</sup> Section 1012.582(1), F.S.

<sup>12</sup> Office of the Governor, State of Florida, *Executive Order Number 07-148* (July 26, 2007), available at <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=ylozTVSuCyo%3d&tabid=40> (last visited Mar. 18, 2011).

<sup>13</sup> Office of the Governor, State of Florida, *Executive Order Number 08-193* (Sept. 11, 2008), available at <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=PHh2VvO7jE%3d&tabid=40> (last visited Mar. 18, 2011).

<sup>14</sup> *Executive Order Number 07-148*, *supra* note 12.

<sup>15</sup> *Id.*

commission was in 2008, it appears that the commission has continued its work to identify barriers that persons with disabilities face, and to provide recommendations to overcome those barriers.<sup>16</sup>

### III. Effect of Proposed Changes:

This bill amends s. 1003.4205, F.S., to require that district school boards provide disability history awareness and instruction in all K-12 public schools during the first week in October, which is to be known as “Disability History and Awareness Week.” This instruction is currently an optional activity which may be provided anytime during the first two weeks of October.

The bill requires that the instruction be provided by individuals who are certified to provide instruction in disability awareness or by teachers who specialize in exceptional student education, beginning in the 2012-2013 school year.

The bill requires the Governor’s Commission on Disabilities (commission) to initiate a study beginning on July 1, 2011, to evaluate and recommend standards and criteria necessary for providers to conduct disability awareness training, to establish guidelines and curriculum for a certification program, and to provide a summary of current trends in training in disability awareness. The study is to be conducted by a private nonprofit entity that promotes disability awareness and provides training in disability awareness. The study shall:

- Recommend standards and criteria necessary for authorizing providers to conduct training in disability awareness;
- Establish guidelines and curriculum for a certification program for disability awareness instructors; and
- Summarize the current trends in training in disability awareness.

The bill states that the study is to be submitted to the commission by July 1, 2011.

Additionally, the bill provides that beginning July 1, 2012, the commission shall oversee a statewide program for providers of training and certified instructors in disability awareness.

#### *Training Providers*

All training providers must meet criteria established and published by the commission in order to be approved to conduct continuing education courses for certifying individuals to be instructors in disability awareness. In order to be approved, a provider must:

- Have a minimum of five years experience working in the field of disabilities;
- Submit an application to the commission;
- Pay an application or renewal fee, which cannot exceed \$200; and

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<sup>16</sup> See Governor’s Comm’n on Disabilities, *2009 Report* (June 2009), available at <http://fdisabilityinfo.com/LinkClick.aspx?fileticket=ZPVM9H8Yewg%3d&tabid=40> (last visited Mar. 18, 2011), and Governor’s Comm’n on Disabilities, *2010 Governor’s Report* (July 2010), available at <http://fdisabilityinfo.com/LinkClick.aspx?fileticket=bS1I2Q2vNWI%3d&tabid=40> (last visited Mar. 18, 2011).

- Submit an annual report to the commission.

A provider must renew its approved status with the commission every three years and the commission must publish a list of providers approved to offer training.

#### *Instructors*

In order to provide instruction in disability awareness, an individual must be certified by a commission-approved provider. The individual must successfully complete specified continuing education courses in disability awareness and pay a certification fee, which is not to exceed \$100. The individual must renew his or her certification every three years.

Finally, the bill provides that the commission shall adopt rules to administer the requirements of this bill.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

##### A. Tax/Fee Issues:

None.

##### B. Private Sector Impact:

This bill requires providers of disability training to be approved by the Governor's Commission on Disabilities (commission) in order to conduct training courses for certifying individuals as instructors. One requirement in order to be approved is that the provider must pay an application fee, which is to be set by the commission and cannot exceed \$200. Additionally, an individual seeking certification to provide instruction in disability awareness must pay a certification fee, which is also to be set by the commission and cannot exceed \$100. Both providers and instructors must renew their application or certification every three years.

In addition, instructors must complete continuing education courses, which must be paid for by the instructor.

**C. Government Sector Impact:**

The bill requires the Governor's Commission on Disabilities to oversee a statewide program for providers of training and certified instructors in disability awareness. The cost of overseeing this program, if any, is unknown at this time.

**VI. Technical Deficiencies:**

The bill requires the Governor's Commission on Disabilities (commission) to initiate a study regarding training in disability awareness beginning July 1, 2011 (line 78 of the bill). The bill then provides that the entity conducting the study shall submit its findings to the commission by July 1, 2011 (line 95 of the bill).

The commission was created by Governor Crist on July 26, 2007, by Executive Order 07-148. The commission was scheduled to sunset on July 26, 2008, unless its existence was extended by the Governor. Governor Crist issued Executive Order 08-193 in 2008 maintaining the commission, but there has not been another executive order authorizing the existence of the commission since. Accordingly, the status of the commission is currently unknown.

Additionally, it is unclear whether certification of persons would be considered the regulation of a profession and be subject to the Sunrise Act.<sup>17</sup> It is also unclear under what authority the commission can collect monies.

**VII. Related Issues:**

The bill provides that a study is to be conducted, beginning on July 1, 2011, by a private nonprofit entity that "promotes disability awareness in the classroom and the community at large and provides training in disability awareness." The bill does not provide additional criteria for how the nonprofit entity is to be selected, and it is unclear how many entities in the state promote and provide training in disability awareness. If there are many entities that provide these services, the July 1, 2011, timeline for beginning the study may not provide enough time for the Governor's Commission on Disabilities to select an entity.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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<sup>17</sup> See s. 11.62, F.S. The Sunrise Act provides for the legislative review of proposed regulation of unregulated functions.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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