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1 A bill to be entitled
2 An act relating to exceptional student education;
3 amending s. 1002.20, F.S.; prohibiting certain actions
4 with respect to parent meetings with school district
5 personnel; providing requirements for meetings
6 relating to exceptional student education and related
7 services; amending s. 1002.33, F.S.; providing
8 requirements for the reimbursement of federal funds to
9 charter schools; amending s. 1002.41, F.S.; requiring
10 a school district to provide exceptional student
11 education-related services to certain home education
12 program students; requiring reporting and funding
13 through the Florida Education Finance Program;
14 amending s. 1003.57, F.S.; requiring a school district
15 to use specified terms to describe the instructional
16 setting for certain exceptional students; defining the
17 term "inclusion" for purposes of exceptional student
18 instruction; providing for determination of
19 eligibility as an exceptional student; requiring
20 certain assessments to facilitate inclusive
21 educational practices for exceptional students;
22 requiring a district school board to provide parents
23 with information regarding the funding the school
24 district receives for exceptional student education;
25 requiring the school district to provide the
26 information at the initial meeting of a student's
27 individual education plan team; creating s. 1003.5715,
28 F.S.; requiring the use of parental consent forms for
29 specified actions in a student's individual education

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30 plan; providing requirements for the consent forms;
31 providing requirements for changes in a student's
32 individual education plan; requiring the State Board
33 of Education to adopt rules; creating s. 1003.572,
34 F.S.; defining the term "private instructional
35 personnel"; encouraging the collaboration of public
36 and private instructional personnel and providing
37 requirements therefor; amending s. 1003.58, F.S.;
38 conforming a cross-reference; creating s. 1008.212,
39 F.S.; providing definitions; providing that a student
40 with a disability be granted an extraordinary
41 exemption from the administration of certain
42 assessments under certain circumstances; providing
43 that certain disabilities or the receipt of services
44 through a homebound or hospitalized program is not an
45 adequate criterion for the granting of an
46 extraordinary exemption; authorizing a written request
47 for an extraordinary exemption; providing requirements
48 for the request; providing a procedure for granting or
49 denying an extraordinary exemption; providing a
50 procedure for appealing a denial of an extraordinary
51 exemption; requiring the Commissioner of Education to
52 annually submit by a specified date to the Governor
53 and the Legislature a report and regularly inform
54 district testing and special education administrators
55 of the procedures regarding extraordinary exemptions;
56 requiring the State Board of Education to adopt rules;
57 creating s. 1008.3415, F.S.; requiring an exceptional
58 student education center to choose to receive a school

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59 grade or school improvement rating; excluding student
60 assessment data from the calculation of a home
61 school's grade under certain circumstances; requiring
62 the State Board of Education to adopt rules; amending
63 s. 1012.585, F.S.; providing requirements for renewal
64 of a professional certificate relating to teaching
65 students with disabilities; authorizing the State
66 Board of Education to adopt rules; providing an
67 effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Paragraph (a) of subsection (21) of section
72 1002.20, Florida Statutes, is amended to read:

73 1002.20 K-12 student and parent rights.—Parents of public
74 school students must receive accurate and timely information
75 regarding their child's academic progress and must be informed
76 of ways they can help their child to succeed in school. K-12
77 students and their parents are afforded numerous statutory
78 rights including, but not limited to, the following:

79 (21) PARENTAL INPUT AND MEETINGS.—

80 (a) *Meetings with school district personnel.*—Parents of
81 public school students may be accompanied by another adult of
82 their choice at any meeting with school district personnel.
83 School district personnel may not object to the attendance of
84 such adult or discourage or attempt to discourage, through any
85 action, statement, or other means, parents from inviting another
86 person of their choice to attend any meeting. Such prohibited
87 actions include, but are not limited to, attempted or actual

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88 coercion or harassment of parents or students or retaliation or
89 threats of consequences to parents or students.

90 1. Such meetings include, but not are not limited to,
91 meetings related to: the eligibility for exceptional student
92 education or related services; the development of an individual
93 family support plan (IFSP); the development of an individual
94 education plan (IEP); the development of a 504 accommodation
95 plan issued under s. 504 of the Rehabilitation Act of 1973; the
96 transition of a student from early intervention services to
97 other services; the development of postsecondary goals for a
98 student and the transition services needed to reach those goals;
99 and other issues that may affect a student's educational
100 environment, discipline, or placement.

101 2. The parents and school district personnel attending the
102 meeting shall sign a document at the meeting's conclusion which
103 states whether any school district personnel have prohibited,
104 discouraged, or attempted to discourage the parents from
105 inviting a person of their choice to the meeting.

106 Section 2. Paragraph (c) of subsection (17) of section
107 1002.33, Florida Statutes, is amended to read:

108 1002.33 Charter schools.—

109 (17) FUNDING.—Students enrolled in a charter school,
110 regardless of the sponsorship, shall be funded as if they are in
111 a basic program or a special program, the same as students
112 enrolled in other public schools in the school district. Funding
113 for a charter lab school shall be as provided in s. 1002.32.

114 (c) If the district school board is providing programs or
115 services to students funded by federal funds, any eligible
116 students enrolled in charter schools in the school district

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117 shall be provided federal funds for the same level of service
118 provided students in the schools operated by the district school
119 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
120 charter schools shall receive all federal funding for which the
121 school is otherwise eligible, including Title I funding, not
122 later than 5 months after the charter school first opens and
123 within 5 months after any subsequent expansion of enrollment.
124 Unless otherwise mutually agreed to by the charter school and
125 its sponsor, and consistent with state and federal rules and
126 regulations governing the use and disbursement of federal funds,
127 the sponsor shall reimburse the charter school on a monthly
128 basis for all invoices submitted by the charter school for
129 federal funds available to the sponsor for the benefit of the
130 charter school, the charter school's students, and the charter
131 school's students as public school students in the school
132 district. Such federal funds include, but are not limited to,
133 Title I, Title II, and Individuals with Disabilities Education
134 Act (IDEA) funds. To receive timely reimbursement for an
135 invoice, the charter school must submit the invoice to the
136 sponsor at least 30 days before the monthly date of
137 reimbursement set by the sponsor. In order to be reimbursed, any
138 expenditures made by the charter school must comply with all
139 applicable state rules and federal regulations, including, but
140 not limited to, the applicable federal Office of Management and
141 Budget Circulars, the federal Education Department General
142 Administrative Regulations, and program-specific statutes,
143 rules, and regulations. Such funds may not be made available to
144 the charter school until a plan is submitted to the sponsor for
145 approval of the use of the funds in accordance with applicable

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146 federal requirements. The sponsor has 30 days to review and
147 approve any plan submitted pursuant to this paragraph.

148 Section 3. Subsection (10) is added to section 1002.41,
149 Florida Statutes, to read:

150 1002.41 Home education programs.—

151 (10) A school district shall provide exceptional student
152 education-related services, as defined in State Board of
153 Education rule, to a home education program student with a
154 disability who is eligible for the services and who enrolls in a
155 public school for the purpose of receiving those related
156 services. The school district providing the services shall
157 report each such student as a full-time equivalent student in a
158 manner prescribed by the Department of Education, and funding
159 shall be provided through the Florida Education Finance Program
160 pursuant to s. 1011.62.

161 Section 4. Subsection (1) of section 1003.57, Florida
162 Statutes, is amended to read:

163 1003.57 Exceptional students instruction.—

164 (1) (a) For purposes of providing exceptional student
165 instruction under this section:

166 1. A school district shall use the following terms to
167 describe the instructional setting for a student with a
168 disability, 6 through 21 years of age, who is not educated in a
169 setting accessible to all children who are together at all
170 times:

171 a. "Exceptional student education center" or "special day
172 school" means a separate public school to which nondisabled
173 peers do not have access.

174 b. "Other separate environment" means a separate private

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175 school, residential facility, or hospital or homebound program.

176 c. "Regular class" means a class in which a student spends
177 80 percent or more of the school week with nondisabled peers.

178 d. "Resource room" means a classroom in which a student
179 spends between 40 percent to 80 percent of the school week with
180 nondisabled peers.

181 e. "Separate class" means a class in which a student spends
182 less than 40 percent of the school week with nondisabled peers.

183 2. A school district shall use the term "inclusion" to mean
184 that a student is receiving education in a general education
185 regular class setting, reflecting natural proportions and age-
186 appropriate heterogeneous groups in core academic and elective
187 or special areas within the school community; a student with a
188 disability is a valued member of the classroom and school
189 community; the teachers and administrators support universal
190 education and have knowledge and support available to enable
191 them to effectively teach all children; and a student is
192 provided access to technical assistance in best practices,
193 instructional methods, and supports tailored to the student's
194 needs based on current research.

195 (b) Each district school board shall provide for an
196 appropriate program of special instruction, facilities, and
197 services for exceptional students as prescribed by the State
198 Board of Education as acceptable, including provisions that:

199 1. The district school board provide the necessary
200 professional services for diagnosis and evaluation of
201 exceptional students.

202 2. The district school board provide the special
203 instruction, classes, and services, either within the district

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204 school system, in cooperation with other district school
205 systems, or through contractual arrangements with approved
206 private schools or community facilities that meet standards
207 established by the commissioner.

208 3. The district school board annually provide information
209 describing the Florida School for the Deaf and the Blind and all
210 other programs and methods of instruction available to the
211 parent of a sensory-impaired student.

212 4. The district school board, once every 3 years, submit to
213 the department its proposed procedures for the provision of
214 special instruction and services for exceptional students.

215 (c) ~~(b)~~ A student may not be given special instruction or
216 services as an exceptional student until after he or she has
217 been properly evaluated and found eligible as an exceptional
218 student, ~~classified, and placed~~ in the manner prescribed by
219 rules of the State Board of Education. The parent of an
220 exceptional student evaluated and found eligible or ineligible
221 ~~placed or denied placement in a program of special education~~
222 shall be notified of each such evaluation and determination
223 ~~placement or denial~~. Such notice shall contain a statement
224 informing the parent that he or she is entitled to a due process
225 hearing on the identification, evaluation, and eligibility
226 determination ~~placement~~, or lack thereof. Such hearings are
227 exempt from ss. 120.569, 120.57, and 286.011, except to the
228 extent that the State Board of Education adopts rules
229 establishing other procedures. Any records created as a result
230 of such hearings are confidential and exempt from s. 119.07(1).
231 The hearing must be conducted by an administrative law judge
232 from the Division of Administrative Hearings pursuant to a

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233 contract between the Department of Education and the Division of
234 Administrative Hearings. The decision of the administrative law
235 judge is final, except that any party aggrieved by the finding
236 and decision rendered by the administrative law judge has the
237 right to bring a civil action in the state circuit court. In
238 such an action, the court shall receive the records of the
239 administrative hearing and shall hear additional evidence at the
240 request of either party. In the alternative, in hearings
241 conducted on behalf of a student who is identified as gifted,
242 any party aggrieved by the finding and decision rendered by the
243 administrative law judge has the right to request a review of
244 the administrative law judge's order by the district court of
245 appeal as provided in s. 120.68.

246 (d)~~(e)~~ Notwithstanding any law to the contrary, during the
247 pendency of any proceeding conducted pursuant to this section,
248 unless the district school board and the parents otherwise
249 agree, the student shall remain in his or her then-current
250 educational assignment or, if applying for initial admission to
251 a public school, shall be assigned, with the consent of the
252 parents, in the public school program until all such proceedings
253 have been completed.

254 (e)~~(d)~~ In providing for the education of exceptional
255 students, the district school superintendent, principals, and
256 teachers shall utilize the regular school facilities and adapt
257 them to the needs of exceptional students to the maximum extent
258 appropriate. To the extent appropriate, students with
259 disabilities, including those students in public or private
260 institutions or other facilities, shall be educated with
261 students who are not disabled. Segregation of exceptional

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262 students shall occur only if the nature or severity of the
263 exceptionality is such that education in regular classes with
264 the use of supplementary aids and services cannot be achieved
265 satisfactorily.

266 (f) Once every 3 years, each school district and school
267 shall complete a Best Practices in Inclusive Education (BPIE)
268 assessment with a Florida Inclusion Network facilitator and
269 include the results of the BPIE assessment and all planned
270 short-term and long-term improvement efforts in the school
271 district's exceptional student education policies and
272 procedures. BPIE is an internal assessment process designed to
273 facilitate the analysis, implementation, and improvement of
274 inclusive educational practices at the district and school team
275 levels.

276 (g)~~(e)~~ In addition to the services agreed to in a student's
277 individual educational plan, the district school superintendent
278 shall fully inform the parent of a student having a physical or
279 developmental disability of all available services that are
280 appropriate for the student's disability. The superintendent
281 shall provide the student's parent with a summary of the
282 student's rights.

283 (h)~~(f)~~ School personnel may consider any unique
284 circumstances on a case-by-case basis when determining whether a
285 change in placement is appropriate for a student who has a
286 disability and violates a district school board's code of
287 student conduct. School personnel may remove and place such
288 student in an interim alternative educational setting for not
289 more than 45 school days, without regard to whether the behavior
290 is determined to be a manifestation of the student's disability,

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291 if the student:

292 1. Carries a weapon to or possesses a weapon at school, on
293 school premises, or at a school function under the jurisdiction
294 of the school district;

295 2. Knowingly possesses or uses illegal drugs, or sells or
296 solicits the sale of a controlled substance, while at school, on
297 school premises, or at a school function under the jurisdiction
298 of the school district; or

299 3. Has inflicted serious bodily injury upon another person
300 while at school, on school premises, or at a school function
301 under the jurisdiction of the school district.

302 (i)~~(g)~~ For purposes of paragraph (h)~~(f)~~, the term:

303 1. "Controlled substance" means a drug or other substance
304 identified under Schedule I, Schedule II, Schedule III, Schedule
305 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.
306 812(c) and s. 893.02(4).

307 2. "Weapon" means a device, instrument, material, or
308 substance, animate or inanimate, which is used for, or is
309 readily capable of, causing death or serious bodily injury;
310 however, this definition does not include a pocketknife having a
311 blade that is less than 2 1/2 inches in length.

312 (j) The district school board shall provide each parent
313 with information regarding the amount that the school district
314 receives from the state appropriation for each of the five
315 exceptional student education support levels for a full-time
316 student. The school district shall provide this information at
317 the initial meeting of a student's individual education plan
318 team.

319 Section 5. Section 1003.5715, Florida Statutes, is created

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320 to read:

321 1003.5715 Parental consent; individual education plan.—

322 (1) The Department of Education shall adopt separate
323 parental consent forms that school districts must use for each
324 of the following actions in a student's individual education
325 plan (IEP):

326 (a) Administer to the student an alternate assessment
327 pursuant to s. 1008.22 and provide instruction in the state
328 standards access points curriculum.

329 (b) Place the student in an exceptional student education
330 center.

331 (2) In accordance with 34 C.F.R. s. 300.503, each form
332 shall be provided to the parent in the parent's native language,
333 as defined in 34 C.F.R. s. 300.29, and include the following:

334 (a) A statement that the parent is a participant of the
335 individual education plan team (IEP Team) and has the right to
336 consent or refuse consent to the actions described in subsection
337 (1). The statement shall include information that the refusal of
338 parental consent means that the school district may not proceed
339 with the actions described in subsection (1) without a school
340 district due process hearing in accordance with 34 C.F.R. ss.
341 300.507 and 300.508.

342 (b) A "does consent" box and a signature line.

343 (c) A "does not consent" box and a signature line.

344 (d) An informational statement of the benefits and
345 consequences of giving parental consent to the actions described
346 in subsection (1).

347 (3) A school district may not proceed with the actions
348 described in subsection (1) without parental consent unless the

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349 school district documents reasonable efforts to obtain the
350 parent's consent and the child's parent has failed to respond or
351 the school district obtains approval through a due process
352 hearing in accordance with 34 C.F.R. ss. 300.507 and 300.508 and
353 resolution of appeals.

354 (4) Except for a change in placement described in s.
355 1003.57(1)(h), if a school district determines that there is a
356 need to change an exceptional student's IEP as it relates to
357 actions described in subsection (1), the school must hold an IEP
358 Team meeting that includes the parent to discuss the reason for
359 the change. The school shall provide written notice of the
360 meeting to the parent at least 10 days before the meeting,
361 indicating the purpose, time, and location of the meeting and
362 who, by title or position, will attend the meeting. The IEP Team
363 meeting requirement may be waived by informed consent of the
364 parent after the parent receives the written notice.

365 (5) For a change in actions described in subsection (1) in
366 a student's IEP, the school district may not implement the
367 change without parental consent unless the school district
368 documents reasonable efforts to obtain the parent's consent and
369 the child's parent has failed to respond or the school district
370 obtains approval through a due process hearing in accordance
371 with 34 C.F.R. ss. 300.507 and 300.508 and resolution of
372 appeals.

373 (6) Pursuant to 34 C.F.R. s. 300.518, during the pendency
374 of a due process hearing or appellate proceeding regarding a due
375 process complaint, the student shall remain in his or her
376 current educational assignment while awaiting the decision of
377 any impartial due process hearing or court proceeding, unless

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378 the parent and the district school board otherwise agree.

379 (7) This section does not abrogate any parental right
380 identified in the Individuals with Disabilities Education Act
381 (IDEA) and its implementing regulations.

382 (8) The State Board of Education shall adopt rules pursuant
383 to ss. 120.536(1) and 120.54 to implement this section,
384 including, but not limited to, developing parental consent
385 forms.

386 Section 6. Section 1003.572, Florida Statutes, is created
387 to read:

388 1003.572 Collaboration of public and private instructional
389 personnel.—

390 (1) As used in this section, the term "private
391 instructional personnel" means:

392 (a) Individuals certified under s. 393.17 or licensed under
393 chapter 490 or chapter 491 for applied behavior analysis
394 services as defined in ss. 627.6686 and 641.31098.

395 (b) Speech-language pathologists licensed under s.
396 468.1185.

397 (c) Occupational therapists licensed under part III of
398 chapter 468.

399 (d) Physical therapists licensed under chapter 486.

400 (e) Psychologists licensed under chapter 490.

401 (f) Clinical social workers licensed under chapter 491.

402 (2) The collaboration of public and private instructional
403 personnel shall be designed to enhance but not supplant the
404 school district's responsibilities under the Individuals with
405 Disabilities Education Act (IDEA). The school as the local
406 education agency shall provide therapy services to meet the

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407 expectations provided in federal law and regulations and state
408 statutes and rules. Collaboration of public and private
409 instructional personnel will work to promote educational
410 progress and assist students in acquiring essential skills,
411 including, but not limited to, readiness for pursuit of higher
412 education goals or employment. Where applicable, public and
413 private instructional personnel shall undertake collaborative
414 programming. Coordination of services and plans between a public
415 school and private instructional personnel is encouraged to
416 avoid duplication or conflicting services or plans.

417 (3) Private instructional personnel who are hired or
418 contracted by parents to collaborate with public instructional
419 personnel must be permitted to observe the student in the
420 educational setting, collaborate with instructional personnel in
421 the educational setting, and provide services in the educational
422 setting according to the following requirements:

423 (a) The student's public instructional personnel and
424 principal consent to the time and place.

425 (b) The private instructional personnel satisfy the
426 requirements of s. 1012.32 or s. 1012.321.

427 (4) The provision of private instructional personnel by a
428 parent does not constitute a waiver of the student's or parent's
429 right to a free and appropriate public education under IDEA.

430 Section 7. Subsection (3) of section 1003.58, Florida
431 Statutes, is amended to read:

432 1003.58 Students in residential care facilities.—Each
433 district school board shall provide educational programs
434 according to rules of the State Board of Education to students
435 who reside in residential care facilities operated by the

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436 Department of Children and Family Services or the Agency for
437 Persons with Disabilities.

438 (3) The district school board shall have full and complete
439 authority in the matter of the assignment and placement of such
440 students in educational programs. The parent of an exceptional
441 student shall have the same due process rights as are provided
442 under s. 1003.57(1)(c) ~~1003.57(1)(b)~~.

443

444 Notwithstanding the provisions herein, the educational program
445 at the Marianna Sunland Center in Jackson County shall be
446 operated by the Department of Education, either directly or
447 through grants or contractual agreements with other public or
448 duly accredited educational agencies approved by the Department
449 of Education.

450 Section 8. Section 1008.212, Florida Statutes, is created
451 to read:

452 1008.212 Students with disabilities; extraordinary
453 exemption.—

454 (1) As used in this section, the term:

455 (a) "Circumstance" means a situation in which
456 accommodations allowable for use on the statewide standardized
457 assessment, a statewide standardized end-of-course assessment,
458 or an alternate assessment pursuant to s. 1008.22(3)(c) are not
459 offered to a student during the current year's assessment
460 administration due to technological limitations in the testing
461 administration program which lead to results that reflect the
462 student's impaired sensory, manual, or speaking skills rather
463 than the student's achievement of the benchmarks assessed by the
464 statewide standardized assessment, a statewide standardized end-

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465 of-course assessment, or an alternate assessment.

466 (b) "Condition" means an impairment, whether recently
467 acquired or longstanding, which affects a student's ability to
468 communicate in modes deemed acceptable for statewide
469 assessments, even if appropriate accommodations are provided,
470 and creates a situation in which the results of administration
471 of the statewide standardized assessment, an end-of-course
472 assessment, or an alternate assessment would reflect the
473 student's impaired sensory, manual, or speaking skills rather
474 than the student's achievement of the benchmarks assessed by the
475 statewide standardized assessment, a statewide standardized end-
476 of-course assessment, or an alternate assessment.

477 (2) A student with a disability for whom the individual
478 education plan (IEP) team determines is prevented by a
479 circumstance or condition from physically demonstrating the
480 mastery of skills that have been acquired and are measured by
481 the statewide standardized assessment, a statewide standardized
482 end-of-course assessment, or an alternate assessment pursuant to
483 s. 1008.22(3)(c) shall be granted an extraordinary exemption
484 from the administration of the assessment. A learning,
485 emotional, behavioral, or significant cognitive disability, or
486 the receipt of services through the homebound or hospitalized
487 program in accordance with rule 6A-6.03020, Florida
488 Administrative Code, is not, in and of itself, an adequate
489 criterion for the granting of an extraordinary exemption.

490 (3) The IEP team, which must include the parent, may submit
491 to the district school superintendent a written request for an
492 extraordinary exemption at any time during the school year, but
493 not later than 60 days before the current year's assessment

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494 administration for which the request is made. A request must
495 include all of the following:

496 (a) A written description of the student's disabilities,
497 including a specific description of the student's impaired
498 sensory, manual, or speaking skills.

499 (b) Written documentation of the most recent evaluation
500 data.

501 (c) Written documentation, if available, of the most recent
502 administration of the statewide standardized assessment, an end-
503 of-course assessment, or an alternate assessment.

504 (d) A written description of the condition's effect on the
505 student's participation in the statewide standardized
506 assessment, an end-of-course assessment, or an alternate
507 assessment.

508 (e) Written evidence that the student has had the
509 opportunity to learn the skills being tested.

510 (f) Written evidence that the student has been provided
511 appropriate instructional accommodations.

512 (g) Written evidence as to whether the student has had the
513 opportunity to be assessed using the instructional
514 accommodations on the student's IEP which are allowable in the
515 administration of the statewide standardized assessment, an end-
516 of-course assessment, or an alternate assessment in prior
517 assessments.

518 (h) Written evidence of the circumstance or condition as
519 defined in subsection (1).

520 (4) Based upon the documentation provided by the IEP team,
521 the school district superintendent shall recommend to the
522 Commissioner of Education whether an extraordinary exemption for

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523 a given assessment administration window should be granted or
524 denied. A copy of the school district's procedural safeguards as
525 required in rule 6A-6.03311, Florida Administrative Code, shall
526 be provided to the parent. If the parent disagrees with the IEP
527 team's recommendation, the dispute resolution methods described
528 in the procedural safeguards shall be made available to the
529 parent. Upon receipt of the request, documentation, and
530 recommendation, the commissioner shall verify the information
531 documented, make a determination, and notify the parent and the
532 district school superintendent in writing within 30 days after
533 the receipt of the request whether the exemption has been
534 granted or denied. If the commissioner grants the exemption, the
535 student's progress must be assessed in accordance with the goals
536 established in the student's individual education plan. If the
537 commissioner denies the exemption, the notification must state
538 the reasons for the denial.

539 (5) The parent of a student with a disability who disagrees
540 with the commissioner's denial of an extraordinary exemption may
541 request an expedited hearing. If the parent requests the
542 expedited hearing, the Department of Education shall inform the
543 parent of any free or low-cost legal services and other relevant
544 services available in the area. The Department of Education
545 shall arrange a hearing with the Division of Administrative
546 Hearings, which must be commenced within 20 school days after
547 the parent's request for the expedited hearing. The
548 administrative law judge at the division shall make a
549 determination within 10 school days after the expedited hearing.
550 The standard of review for the expedited hearing is de novo, and
551 the department has the burden of proof.

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552 (6) Beginning June 30, 2014, and each June 30 thereafter,
553 the commissioner shall annually submit to the Governor, the
554 President of the Senate, and the Speaker of the House of
555 Representatives the number of extraordinary exemptions requested
556 under this section, the number of extraordinary exemptions
557 granted under this section, and the criteria by which all
558 decisions were made. The commissioner shall regularly inform
559 district testing and special education administrators of the
560 procedures established in this section.

561 (7) The State Board of Education shall adopt rules to
562 administer this section.

563 Section 9. Section 1008.3415, Florida Statutes, is created
564 to read:

565 1008.3415 School grade or school improvement rating for
566 exceptional student education centers.-

567 (1) Each exceptional student education center shall choose
568 to receive a school grade pursuant to s. 1008.34 or a school
569 improvement rating pursuant to s. 1008.341.

570 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement
571 scores and learning gains of a student with a disability who
572 attends an exceptional student education center and has not been
573 enrolled in or attended a public school other than an
574 exceptional student education center for grades K-12 within the
575 school district shall not be included in the calculation of the
576 home school's grade if the student is identified as an emergent
577 student on the alternate assessment tool described in s.
578 1008.22(3)(c)13.

579 (3) The State Board of Education shall adopt rules under
580 ss. 120.536(1) and 120.54 to implement this section, including,

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581 but not limited to, defining exceptional student education
582 centers.

583 Section 10. Paragraph (e) is added to subsection (3) of
584 section 1012.585, Florida Statutes, and subsection (6) is added
585 to that section, to read:

586 1012.585 Process for renewal of professional certificates.—

587 (3) For the renewal of a professional certificate, the
588 following requirements must be met:

589 (e) Beginning July 1, 2014, an applicant for renewal of a
590 professional certificate must earn a minimum of 1 college credit
591 or the equivalent inservice points in the area of instruction
592 for teaching students with disabilities. The requirement in this
593 paragraph may not add to the total hours required by the
594 department for continuing education or inservice training.

595 (6) The State Board of Education may adopt rules under ss.
596 120.536(1) and 120.54 to implement this section, including, but
597 not limited to, applicant renewal requirements.

598 Section 11. This act shall take effect July 1, 2013.