

20131108er

1  
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. 1003.57, F.S.; requiring  
10 a school district to use specified terms to describe  
11 the instructional setting for certain exceptional  
12 students; defining the term "inclusion" for purposes  
13 of exceptional student instruction; providing for  
14 determination of eligibility as an exceptional  
15 student; requiring certain assessments to facilitate  
16 inclusive educational practices for exceptional  
17 students; requiring a district school board to provide  
18 parents with information regarding the funding the  
19 school district receives for exceptional student  
20 education; requiring the school district to provide  
21 the information at the initial meeting of a student's  
22 individual education plan team; creating s. 1003.5715,  
23 F.S.; requiring the use of parental consent forms for  
24 specified actions in a student's individual education  
25 plan; providing requirements for the consent forms;  
26 providing requirements for changes in a student's  
27 individual education plan; requiring the State Board  
28 of Education to adopt rules; creating s. 1003.572,  
29 F.S.; defining the term "private instructional

20131108er

30 personnel"; encouraging the collaboration of public  
31 and private instructional personnel and providing  
32 requirements therefor; amending s. 1003.58, F.S.;  
33 conforming a cross-reference; creating s. 1008.212,  
34 F.S.; providing definitions; providing that a student  
35 with a disability be granted an extraordinary  
36 exemption from the administration of certain  
37 assessments under certain circumstances; providing  
38 that certain disabilities or the receipt of services  
39 through a homebound or hospitalized program is not an  
40 adequate criterion for the granting of an  
41 extraordinary exemption; authorizing a written request  
42 for an extraordinary exemption; providing requirements  
43 for the request; providing a procedure for granting or  
44 denying an extraordinary exemption; providing a  
45 procedure for appealing a denial of an extraordinary  
46 exemption; requiring the Commissioner of Education to  
47 annually submit by a specified date to the Governor  
48 and the Legislature a report and regularly inform  
49 district testing and special education administrators  
50 of the procedures regarding extraordinary exemptions;  
51 requiring the State Board of Education to adopt rules;  
52 creating s. 1008.3415, F.S.; requiring an exceptional  
53 student education center to choose to receive a school  
54 grade or school improvement rating; excluding student  
55 assessment data from the calculation of a home  
56 school's grade under certain circumstances; requiring  
57 the State Board of Education to adopt rules; amending  
58 s. 1012.585, F.S.; providing requirements for renewal

20131108er

59 of a professional certificate relating to teaching  
60 students with disabilities; authorizing the State  
61 Board of Education to adopt rules; providing an  
62 effective date.  
63

64 Be It Enacted by the Legislature of the State of Florida:  
65

66 Section 1. Paragraph (a) of subsection (21) of section  
67 1002.20, Florida Statutes, is amended to read:

68 1002.20 K-12 student and parent rights.—Parents of public  
69 school students must receive accurate and timely information  
70 regarding their child's academic progress and must be informed  
71 of ways they can help their child to succeed in school. K-12  
72 students and their parents are afforded numerous statutory  
73 rights including, but not limited to, the following:

74 (21) PARENTAL INPUT AND MEETINGS.—

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

85 1. Such meetings include, but not are not limited to,  
86 meetings related to: the eligibility for exceptional student  
87 education or related services; the development of an individual

20131108er

88 family support plan (IFSP); the development of an individual  
89 education plan (IEP); the development of a 504 accommodation  
90 plan issued under s. 504 of the Rehabilitation Act of 1973; the  
91 transition of a student from early intervention services to  
92 other services; the development of postsecondary goals for a  
93 student and the transition services needed to reach those goals;  
94 and other issues that may affect a student's educational  
95 environment, discipline, or placement.

96 2. The parents and school district personnel attending the  
97 meeting shall sign a document at the meeting's conclusion which  
98 states whether any school district personnel have prohibited,  
99 discouraged, or attempted to discourage the parents from  
100 inviting a person of their choice to the meeting.

101 Section 2. Paragraph (c) of subsection (17) of section  
102 1002.33, Florida Statutes, is amended to read:

103 1002.33 Charter schools.—

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

109 (c) If the district school board is providing programs or  
110 services to students funded by federal funds, any eligible  
111 students enrolled in charter schools in the school district  
112 shall be provided federal funds for the same level of service  
113 provided students in the schools operated by the district school  
114 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
115 charter schools shall receive all federal funding for which the  
116 school is otherwise eligible, including Title I funding, not

20131108er

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

143 Section 3. Subsection (1) of section 1003.57, Florida  
144 Statutes, is amended to read:

145 1003.57 Exceptional students instruction.-

20131108er

146           (1) (a) For purposes of providing exceptional student  
147 instruction under this section:

148           1. A school district shall use the following terms to  
149 describe the instructional setting for a student with a  
150 disability, 6 through 21 years of age, who is not educated in a  
151 setting accessible to all children who are together at all  
152 times:

153           a. "Exceptional student education center" or "special day  
154 school" means a separate public school to which nondisabled  
155 peers do not have access.

156           b. "Other separate environment" means a separate private  
157 school, residential facility, or hospital or homebound program.

158           c. "Regular class" means a class in which a student spends  
159 80 percent or more of the school week with nondisabled peers.

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

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

165           2. A school district shall use the term "inclusion" to mean  
166 that a student is receiving education in a general education  
167 regular class setting, reflecting natural proportions and age-  
168 appropriate heterogeneous groups in core academic and elective  
169 or special areas within the school community; a student with a  
170 disability is a valued member of the classroom and school  
171 community; the teachers and administrators support universal  
172 education and have knowledge and support available to enable  
173 them to effectively teach all children; and a student is  
174 provided access to technical assistance in best practices,

20131108er

175 instructional methods, and supports tailored to the student's  
176 needs based on current research.

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

181 1. The district school board provide the necessary  
182 professional services for diagnosis and evaluation of  
183 exceptional students.

184 2. The district school board provide the special  
185 instruction, classes, and services, either within the district  
186 school system, in cooperation with other district school  
187 systems, or through contractual arrangements with approved  
188 private schools or community facilities that meet standards  
189 established by the commissioner.

190 3. The district school board annually provide information  
191 describing the Florida School for the Deaf and the Blind and all  
192 other programs and methods of instruction available to the  
193 parent of a sensory-impaired student.

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

197 (c) ~~(b)~~ A student may not be given special instruction or  
198 services as an exceptional student until after he or she has  
199 been properly evaluated and found eligible as an exceptional  
200 student, ~~classified, and placed~~ in the manner prescribed by  
201 rules of the State Board of Education. The parent of an  
202 exceptional student evaluated and found eligible or ineligible  
203 ~~placed or denied placement in a program of special education~~

20131108er

204 shall be notified of each such evaluation and determination  
205 ~~placement or denial~~. Such notice shall contain a statement  
206 informing the parent that he or she is entitled to a due process  
207 hearing on the identification, evaluation, and eligibility  
208 determination ~~placement~~, or lack thereof. Such hearings are  
209 exempt from ss. 120.569, 120.57, and 286.011, except to the  
210 extent that the State Board of Education adopts rules  
211 establishing other procedures. Any records created as a result  
212 of such hearings are confidential and exempt from s. 119.07(1).  
213 The hearing must be conducted by an administrative law judge  
214 from the Division of Administrative Hearings pursuant to a  
215 contract between the Department of Education and the Division of  
216 Administrative Hearings. The decision of the administrative law  
217 judge is final, except that any party aggrieved by the finding  
218 and decision rendered by the administrative law judge has the  
219 right to bring a civil action in the state circuit court. In  
220 such an action, the court shall receive the records of the  
221 administrative hearing and shall hear additional evidence at the  
222 request of either party. In the alternative, in hearings  
223 conducted on behalf of a student who is identified as gifted,  
224 any party aggrieved by the finding and decision rendered by the  
225 administrative law judge has the right to request a review of  
226 the administrative law judge's order by the district court of  
227 appeal as provided in s. 120.68.

228 (d) ~~(e)~~ Notwithstanding any law to the contrary, during the  
229 pendency of any proceeding conducted pursuant to this section,  
230 unless the district school board and the parents otherwise  
231 agree, the student shall remain in his or her then-current  
232 educational assignment or, if applying for initial admission to

20131108er

233 a public school, shall be assigned, with the consent of the  
234 parents, in the public school program until all such proceedings  
235 have been completed.

236 (e)~~(d)~~ In providing for the education of exceptional  
237 students, the district school superintendent, principals, and  
238 teachers shall utilize the regular school facilities and adapt  
239 them to the needs of exceptional students to the maximum extent  
240 appropriate. To the extent appropriate, students with  
241 disabilities, including those students in public or private  
242 institutions or other facilities, shall be educated with  
243 students who are not disabled. Segregation of exceptional  
244 students shall occur only if the nature or severity of the  
245 exceptionality is such that education in regular classes with  
246 the use of supplementary aids and services cannot be achieved  
247 satisfactorily.

248 (f) Once every 3 years, each school district and school  
249 shall complete a Best Practices in Inclusive Education (BPIE)  
250 assessment with a Florida Inclusion Network facilitator and  
251 include the results of the BPIE assessment and all planned  
252 short-term and long-term improvement efforts in the school  
253 district's exceptional student education policies and  
254 procedures. BPIE is an internal assessment process designed to  
255 facilitate the analysis, implementation, and improvement of  
256 inclusive educational practices at the district and school team  
257 levels.

258 (g)~~(e)~~ In addition to the services agreed to in a student's  
259 individual educational plan, the district school superintendent  
260 shall fully inform the parent of a student having a physical or  
261 developmental disability of all available services that are

20131108er

262 appropriate for the student's disability. The superintendent  
263 shall provide the student's parent with a summary of the  
264 student's rights.

265 (h)~~(f)~~ School personnel may consider any unique  
266 circumstances on a case-by-case basis when determining whether a  
267 change in placement is appropriate for a student who has a  
268 disability and violates a district school board's code of  
269 student conduct. School personnel may remove and place such  
270 student in an interim alternative educational setting for not  
271 more than 45 school days, without regard to whether the behavior  
272 is determined to be a manifestation of the student's disability,  
273 if the student:

274 1. Carries a weapon to or possesses a weapon at school, on  
275 school premises, or at a school function under the jurisdiction  
276 of the school district;

277 2. Knowingly possesses or uses illegal drugs, or sells or  
278 solicits the sale of a controlled substance, while at school, on  
279 school premises, or at a school function under the jurisdiction  
280 of the school district; or

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

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

285 1. "Controlled substance" means a drug or other substance  
286 identified under Schedule I, Schedule II, Schedule III, Schedule  
287 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
288 812(c) and s. 893.02(4).

289 2. "Weapon" means a device, instrument, material, or  
290 substance, animate or inanimate, which is used for, or is

20131108er

291 readily capable of, causing death or serious bodily injury;  
292 however, this definition does not include a pocketknife having a  
293 blade that is less than 2 1/2 inches in length.

294 (j) The district school board shall provide each parent  
295 with information regarding the amount that the school district  
296 receives from the state appropriation for each of the five  
297 exceptional student education support levels for a full-time  
298 student. The school district shall provide this information at  
299 the initial meeting of a student's individual education plan  
300 team.

301 Section 4. Section 1003.5715, Florida Statutes, is created  
302 to read:

303 1003.5715 Parental consent; individual education plan.—

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

308 (a) Administer to the student an alternate assessment  
309 pursuant to s. 1008.22 and provide instruction in the state  
310 standards access points curriculum.

311 (b) Place the student in an exceptional student education  
312 center.

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

316 (a) A statement that the parent is a participant of the  
317 individual education plan team (IEP Team) and has the right to  
318 consent or refuse consent to the actions described in subsection  
319 (1). The statement shall include information that the refusal of

20131108er

320 parental consent means that the school district may not proceed  
321 with the actions described in subsection (1) without a school  
322 district due process hearing in accordance with 34 C.F.R. ss.  
323 300.507 and 300.508.

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

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

326 (d) An informational statement of the benefits and  
327 consequences of giving parental consent to the actions described  
328 in subsection (1).

329 (3) A school district may not proceed with the actions  
330 described in subsection (1) without parental consent unless the  
331 school district documents reasonable efforts to obtain the  
332 parent's consent and the child's parent has failed to respond or  
333 the school district obtains approval through a due process  
334 hearing in accordance with 34 C.F.R. ss. 300.507 and 300.508 and  
335 resolution of appeals.

336 (4) Except for a change in placement described in s.  
337 1003.57(1)(h), if a school district determines that there is a  
338 need to change an exceptional student's IEP as it relates to  
339 actions described in subsection (1), the school must hold an IEP  
340 Team meeting that includes the parent to discuss the reason for  
341 the change. The school shall provide written notice of the  
342 meeting to the parent at least 10 days before the meeting,  
343 indicating the purpose, time, and location of the meeting and  
344 who, by title or position, will attend the meeting. The IEP Team  
345 meeting requirement may be waived by informed consent of the  
346 parent after the parent receives the written notice.

347 (5) For a change in actions described in subsection (1) in  
348 a student's IEP, the school district may not implement the

20131108er

349 change without parental consent unless the school district  
350 documents reasonable efforts to obtain the parent's consent and  
351 the child's parent has failed to respond or the school district  
352 obtains approval through a due process hearing in accordance  
353 with 34 C.F.R. ss. 300.507 and 300.508 and resolution of  
354 appeals.

355 (6) Pursuant to 34 C.F.R. s. 300.518, during the pendency  
356 of a due process hearing or appellate proceeding regarding a due  
357 process complaint, the student shall remain in his or her  
358 current educational assignment while awaiting the decision of  
359 any impartial due process hearing or court proceeding, unless  
360 the parent and the district school board otherwise agree.

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

364 (8) The State Board of Education shall adopt rules pursuant  
365 to ss. 120.536(1) and 120.54 to implement this section,  
366 including, but not limited to, developing parental consent  
367 forms.

368 Section 5. Section 1003.572, Florida Statutes, is created  
369 to read:

370 1003.572 Collaboration of public and private instructional  
371 personnel.—

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

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

377 (b) Speech-language pathologists licensed under s.

20131108er

378 468.1185.

379 (c) Occupational therapists licensed under part III of  
380 chapter 468.

381 (d) Physical therapists licensed under chapter 486.

382 (e) Psychologists licensed under chapter 490.

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

384 (2) The collaboration of public and private instructional  
385 personnel shall be designed to enhance but not supplant the  
386 school district's responsibilities under the Individuals with  
387 Disabilities Education Act (IDEA). The school as the local  
388 education agency shall provide therapy services to meet the  
389 expectations provided in federal law and regulations and state  
390 statutes and rules. Collaboration of public and private  
391 instructional personnel will work to promote educational  
392 progress and assist students in acquiring essential skills,  
393 including, but not limited to, readiness for pursuit of higher  
394 education goals or employment. Where applicable, public and  
395 private instructional personnel shall undertake collaborative  
396 programming. Coordination of services and plans between a public  
397 school and private instructional personnel is encouraged to  
398 avoid duplication or conflicting services or plans.

399 (3) Private instructional personnel who are hired or  
400 contracted by parents to collaborate with public instructional  
401 personnel must be permitted to observe the student in the  
402 educational setting, collaborate with instructional personnel in  
403 the educational setting, and provide services in the educational  
404 setting according to the following requirements:

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

20131108er

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

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

412           Section 6. Subsection (3) of section 1003.58, Florida  
413 Statutes, is amended to read:

414           1003.58 Students in residential care facilities.—Each  
415 district school board shall provide educational programs  
416 according to rules of the State Board of Education to students  
417 who reside in residential care facilities operated by the  
418 Department of Children and Family Services or the Agency for  
419 Persons with Disabilities.

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

425  
426 Notwithstanding the provisions herein, the educational program  
427 at the Marianna Sunland Center in Jackson County shall be  
428 operated by the Department of Education, either directly or  
429 through grants or contractual agreements with other public or  
430 duly accredited educational agencies approved by the Department  
431 of Education.

432           Section 7. Section 1008.212, Florida Statutes, is created  
433 to read:

434           1008.212 Students with disabilities; extraordinary  
435 exemption.—

20131108er

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

437 (a) "Circumstance" means a situation in which  
438 accommodations allowable for use on the statewide standardized  
439 assessment, a statewide standardized end-of-course assessment,  
440 or an alternate assessment pursuant to s. 1008.22(3)(c) are not  
441 offered to a student during the current year's assessment  
442 administration due to technological limitations in the testing  
443 administration program which lead to results that reflect the  
444 student's impaired sensory, manual, or speaking skills rather  
445 than the student's achievement of the benchmarks assessed by the  
446 statewide standardized assessment, a statewide standardized end-  
447 of-course assessment, or an alternate assessment.

448 (b) "Condition" means an impairment, whether recently  
449 acquired or longstanding, which affects a student's ability to  
450 communicate in modes deemed acceptable for statewide  
451 assessments, even if appropriate accommodations are provided,  
452 and creates a situation in which the results of administration  
453 of the statewide standardized assessment, an end-of-course  
454 assessment, or an alternate assessment would reflect the  
455 student's impaired sensory, manual, or speaking skills rather  
456 than the student's achievement of the benchmarks assessed by the  
457 statewide standardized assessment, a statewide standardized end-  
458 of-course assessment, or an alternate assessment.

459 (2) A student with a disability for whom the individual  
460 education plan (IEP) team determines is prevented by a  
461 circumstance or condition from physically demonstrating the  
462 mastery of skills that have been acquired and are measured by  
463 the statewide standardized assessment, a statewide standardized  
464 end-of-course assessment, or an alternate assessment pursuant to

20131108er

465 s. 1008.22(3)(c) shall be granted an extraordinary exemption  
466 from the administration of the assessment. A learning,  
467 emotional, behavioral, or significant cognitive disability, or  
468 the receipt of services through the homebound or hospitalized  
469 program in accordance with rule 6A-6.03020, Florida  
470 Administrative Code, is not, in and of itself, an adequate  
471 criterion for the granting of an extraordinary exemption.

472 (3) The IEP team, which must include the parent, may submit  
473 to the district school superintendent a written request for an  
474 extraordinary exemption at any time during the school year, but  
475 not later than 60 days before the current year's assessment  
476 administration for which the request is made. A request must  
477 include all of the following:

478 (a) A written description of the student's disabilities,  
479 including a specific description of the student's impaired  
480 sensory, manual, or speaking skills.

481 (b) Written documentation of the most recent evaluation  
482 data.

483 (c) Written documentation, if available, of the most recent  
484 administration of the statewide standardized assessment, an end-  
485 of-course assessment, or an alternate assessment.

486 (d) A written description of the condition's effect on the  
487 student's participation in the statewide standardized  
488 assessment, an end-of-course assessment, or an alternate  
489 assessment.

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

492 (f) Written evidence that the student has been provided  
493 appropriate instructional accommodations.

20131108er

494 (g) Written evidence as to whether the student has had the  
495 opportunity to be assessed using the instructional  
496 accommodations on the student's IEP which are allowable in the  
497 administration of the statewide standardized assessment, an end-  
498 of-course assessment, or an alternate assessment in prior  
499 assessments.

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

502 (4) Based upon the documentation provided by the IEP team,  
503 the school district superintendent shall recommend to the  
504 Commissioner of Education whether an extraordinary exemption for  
505 a given assessment administration window should be granted or  
506 denied. A copy of the school district's procedural safeguards as  
507 required in rule 6A-6.03311, Florida Administrative Code, shall  
508 be provided to the parent. If the parent disagrees with the IEP  
509 team's recommendation, the dispute resolution methods described  
510 in the procedural safeguards shall be made available to the  
511 parent. Upon receipt of the request, documentation, and  
512 recommendation, the commissioner shall verify the information  
513 documented, make a determination, and notify the parent and the  
514 district school superintendent in writing within 30 days after  
515 the receipt of the request whether the exemption has been  
516 granted or denied. If the commissioner grants the exemption, the  
517 student's progress must be assessed in accordance with the goals  
518 established in the student's individual education plan. If the  
519 commissioner denies the exemption, the notification must state  
520 the reasons for the denial.

521 (5) The parent of a student with a disability who disagrees  
522 with the commissioner's denial of an extraordinary exemption may

20131108er

523 request an expedited hearing. If the parent requests the  
524 expedited hearing, the Department of Education shall inform the  
525 parent of any free or low-cost legal services and other relevant  
526 services available in the area. The Department of Education  
527 shall arrange a hearing with the Division of Administrative  
528 Hearings, which must be commenced within 20 school days after  
529 the parent's request for the expedited hearing. The  
530 administrative law judge at the division shall make a  
531 determination within 10 school days after the expedited hearing.  
532 The standard of review for the expedited hearing is de novo, and  
533 the department has the burden of proof.

534 (6) Beginning June 30, 2014, and each June 30 thereafter,  
535 the commissioner shall annually submit to the Governor, the  
536 President of the Senate, and the Speaker of the House of  
537 Representatives the number of extraordinary exemptions requested  
538 under this section, the number of extraordinary exemptions  
539 granted under this section, and the criteria by which all  
540 decisions were made. The commissioner shall regularly inform  
541 district testing and special education administrators of the  
542 procedures established in this section.

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

545 Section 8. Section 1008.3415, Florida Statutes, is created  
546 to read:

547 1008.3415 School grade or school improvement rating for  
548 exceptional student education centers.—

549 (1) Each exceptional student education center shall choose  
550 to receive a school grade pursuant to s. 1008.34 or a school  
551 improvement rating pursuant to s. 1008.341.

20131108er

552       (2) Notwithstanding s. 1008.34(3)(c)3., the achievement  
553 scores and learning gains of a student with a disability who  
554 attends an exceptional student education center and has not been  
555 enrolled in or attended a public school other than an  
556 exceptional student education center for grades K-12 within the  
557 school district shall not be included in the calculation of the  
558 home school's grade if the student is identified as an emergent  
559 student on the alternate assessment tool described in s.  
560 1008.22(3)(c)13.

561       (3) The State Board of Education shall adopt rules under  
562 ss. 120.536(1) and 120.54 to implement this section, including,  
563 but not limited to, defining exceptional student education  
564 centers.

565       Section 9. Paragraph (e) is added to subsection (3) of  
566 section 1012.585, Florida Statutes, and subsection (6) is added  
567 to that section, to read:

568       1012.585 Process for renewal of professional certificates.—

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

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

577       (6) The State Board of Education may adopt rules under ss.  
578 120.536(1) and 120.54 to implement this section, including, but  
579 not limited to, applicant renewal requirements.

580       Section 10. This act shall take effect July 1, 2013.