

By Senator Bullard

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1                                   A bill to be entitled  
2       An act relating to the education of children with  
3       disabilities; providing a short title; providing a  
4       Bill of Rights for Children with Disabilities and  
5       their Parents or Guardians; providing guarantees  
6       relating to free appropriate public education, a  
7       least-restrictive educational environment, an  
8       individual education plan, procedural due process,  
9       nondiscriminatory assessment, parental participation,  
10      and data sharing; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Education of children with disabilities.—This  
15 section may be cited as the "Bill of Rights for Children with  
16 Disabilities and their Parents or Guardians." Each child with a  
17 disability and his or her parent or guardian has the following  
18 rights:

19       (1) FREE APPROPRIATE PUBLIC EDUCATION.—Each child,  
20 regardless of the severity of the disability, shall be provided  
21 an education appropriate to his or her unique needs at no cost  
22 to the parent or guardian, including related services as  
23 determined educationally necessary for a child to benefit from  
24 exceptional student education. Related services include, but are  
25 not limited to, occupational therapy, physical therapy,  
26 orientation and mobility instruction, and other support services  
27 for a student with a disability.

28       (2) LEAST-RESTRICTIVE ENVIRONMENT.—Each child with a  
29 disability shall be educated, to the maximum extent appropriate,

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30 with students without disabilities. Placement shall be  
31 consistent with the student's educational needs, selected from  
32 the state's full continuum of alternate placements.

33 (3) INDIVIDUAL EDUCATION PLAN.—Each child with a disability  
34 shall have an individual education plan (IEP), developed with  
35 the assistance of the parent or guardian, that addresses the  
36 following:

37 (a) Present level of the student's academic functioning.

38 (b) Annual goals and accompanying instructional objectives.

39 (c) Educational services to be provided.

40 (d) Degree to which the student will be able to participate  
41 in general education programs.

42 (e) Plans for initiating services and the length of service  
43 delivery.

44 (f) Annual evaluation procedure that specifies objective  
45 criteria to determine if instructional objectives are being met.

46 (4) PROCEDURAL DUE PROCESS.—The parent or guardian shall be  
47 afforded several safeguards pertaining to his or her child's  
48 education, including the confidentiality of records. The parent  
49 or guardian also has the right to:

50 (a) Examine all of the records of his or her child.

51 (b) Obtain an independent evaluation of his or her child.

52 (c) Receive written notification, in his or her native  
53 language, of proposed changes to his or her child's educational  
54 classification or placement.

55 (d) Receive an impartial hearing whenever disagreements  
56 arise regarding educational plans for his or her child.

57 (e) Be represented by legal counsel.

58 (5) NONDISCRIMINATORY ASSESSMENT.—Before placement, a child

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59 shall be evaluated by a multidisciplinary team in all areas of  
60 suspected disability by assessments that are not racially,  
61 culturally, or linguistically biased. Students shall be given  
62 several types of assessments administered by trained personnel.  
63 A single evaluation procedure is not permitted for planning or  
64 placement purposes.

65 (6) PARENTAL PARTICIPATION.—Based on the Education for All  
66 Handicapped Children Act, Pub. L. No. 94-142, which mandates  
67 meaningful parent involvement, a parent or guardian shall  
68 participate fully in the decisionmaking process that affects his  
69 or her child's education.

70 (7) DATA SHARING.—A shared database that contains  
71 information about a student with a disability shall be accessed  
72 by the prekindergarten through grade 12 public school system and  
73 the public postsecondary education system.

74 Section 2. This act shall take effect July 1, 2014.