

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 Committee on Fiscal Policy

BILL: CS/SB 152

INTRODUCER: Education Pre-K - 12 Committee and Senator Ring

SUBJECT: Disability Awareness

DATE: March 18, 2015

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|-----------------|------------|-------------------------------|
| 1. | <u>Bailey</u> | <u>Klebacha</u> | <u>ED</u> | Fav/CS |
| 2. | <u>Sikes</u> | <u>Elwell</u> | <u>AED</u> | Recommended: Favorable |
| 3. | <u>Jones</u> | <u>Hrdlicka</u> | <u>FP</u> | Pre-meeting |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools, during the first two weeks in October, beginning with the 2016-2017 school year. The required disability awareness instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, who are approved by the school or school district, and who meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness advisory council and provides requirements for the council regarding membership, responsibilities, and frequency of annual meetings.

The costs for school districts to implement the bill may be absorbed within Florida Education Finance Program funds or other local sources. No additional state funds would be needed.

II. Present Situation:

According to the United States Census Bureau, 19 percent or approximately 54 million people living in the United States have a disability. Five percent of children between the ages of 5 and 17 have a disability.¹

¹ United States Census Bureau, *Profile America Facts for Features: 20th Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report), available at

In 2008, the Legislature authorized the district school boards to designate the first two weeks in October as the “Disability History and Awareness Weeks.”² Section 1003.4205, F.S., encourages, but does not require, school districts, to provide disability history and awareness instruction to students in kindergarten through grade 12.

Students may be offered intensive instruction that increases their awareness and understanding of individuals with disabilities and may include the events and timelines of the development and evolution of services to, and the civil rights of, individuals with disabilities. The instruction also may be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers, with a particular focus on including individuals with disabilities.³

The goals of the instruction include:

- Better treatment for individuals with disabilities, especially for youth in school, and increased attention to preventing the bullying or harassment of students with disabilities;
- Encouragement to individuals with disabilities to develop increased self-esteem, resulting in more individuals with disabilities gaining pride in being an individual with a disability, obtaining postsecondary education, entering the workforce and contributing to their communities; and
- Reaffirmation of the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities.⁴

The Bureau of Exceptional Education and Student Services, within the Florida Department of Education, created a resource guide to help school districts promote Disability History and Awareness Weeks.⁵ The guide includes:

- Promotional ideas to help schools promote disability history and awareness;
- Fliers 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.⁶

http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (last visited Mar. 9, 2015).

² Section 1, ch. 2008-156, L.O.F.; s. 1003.4205(1), F.S.

³ Section 1003.4205(2), F.S.

⁴ Section 1003.4205, F.S.

⁵ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: Resources*, available at <http://www.fl DOE.org/academics/exceptional-student-edu/parent-info/disability-history-awareness.stml> (last visited Mar. 9, 2015).

⁶ *Id.*

III. Effect of Proposed Changes:

Disability History and Awareness Instruction

Beginning with the 2016-2017 school year, the bill requires every district school board to participate in the Disability History and Awareness Weeks as provided in s. 1003.4205, F.S. Each district school board must annually provide disability history and awareness instruction in all K-12 public schools during the first two weeks of October. The bill requires the disability history instruction to include:

- The events and timelines of the development and evolution of services to, and civil rights of, individuals who had or have disabilities; and
- The contributions of specific individuals who had or have disabilities, including the contributions of acknowledged national leaders.

Also beginning with the 2016-2017 school year, the instruction must be integrated into the existing school curriculum. The bill increases the requirement for delivery of instruction by requiring the instruction to be augmented by presentations from individuals who:

- Have disabilities;
- Have been approved by the school or school district as presenters; and
- The school or school district has ensured meet the appropriate background screening requirements of s. 1012.465, F.S., to enter schools and interact with students.⁷

The bill does not change the current goals of the disability history and awareness instruction.

Disability History and Awareness Advisory Council

The bill also requires each public school to establish a disability history and awareness advisory council. The council must consist of seven members; six teachers who are employed at the school and one individual from the local community who has a disability.

The responsibilities of each public school council must include, but are not limited to:

- Providing the school input regarding the curriculum for disability history and awareness;
- Assisting the school with locating individuals who have disabilities to make presentations at the school;
- Submitting an annual report by August 1, 2016, and each year thereafter, to the superintendent of the school district where the public school is located. The annual report must include, but is not limited to, recommendations and policy alternatives regarding the state of disability awareness at the school; and
- Meeting at least four times each year and more often as needed.

The bill takes effect July 1, 2015.

⁷ Section 1012.465, F.S., relates to background screening for certain noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties and municipalities.

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:

None.

C. Government Sector Impact:

The Department of Education stated that the bill has no fiscal impact on the department. The Department of Education and other entities have already developed materials and guidance for use by the school districts during the Disability History Awareness Weeks.⁸

The costs for school districts may be absorbed within Florida Education Finance Program funds or other local sources. In the bill analysis, the Department of Education states that costs for school districts may include:

- Costs associated with conducting fingerprinting and background investigations for community members and presenters providing instruction or serving on the council. The cost for fingerprinting and background screening is \$67 per individual.
- The school districts may incur costs to provide administrative assistance to the council, including creating the annual reports.⁹

VI. Technical Deficiencies:

None.

⁸ 2015 Agency Legislative Bill Analysis, Florida Department of Education, SB 152, December 10, 2014, (on file with the Senate Appropriations Subcommittee on Education).

⁹ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4205 of the Florida Statutes.

IX. Additional Information:

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

CS by Education Pre-K-12 on February 18, 2015:

The committee substitute changes the effective date from upon becoming a law to July 1, 2015 to avoid interrupting the current 2014-2015 school year.

- B. **Amendments:**

None.