

By Senator Perry

8-00883-17

20171368__

1 A bill to be entitled
2 An act relating to exceptional student instruction;
3 amending s. 1003.57, F.S.; prohibiting certain school
4 districts from declining to provide or contract for
5 certain students' educational instruction; providing
6 for funding of such students; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (3) of section 1003.57, Florida
12 Statutes, is amended to read:

13 1003.57 Exceptional students instruction.—

14 (3) (a) For purposes of this subsection and subsection (4),
15 the term:

16 1. "Agency" means the Department of Children and Families
17 or its contracted lead agency, the Agency for Persons with
18 Disabilities, and the Agency for Health Care Administration.

19 2. "Exceptional student" means an exceptional student, as
20 defined in s. 1003.01, who has a disability.

21 3. "Receiving school district" means the district in which
22 a private residential care facility is located.

23 4. "Placement" means the funding or arrangement of funding
24 by an agency for all or a part of the cost for an exceptional
25 student to reside in a private residential care facility and the
26 placement crosses school district lines.

27 (b) Within 10 business days after an exceptional student is
28 placed in a private residential care facility by an agency, the
29 agency or private residential care facility licensed by the

8-00883-17

20171368__

30 agency, as appropriate, shall provide written notification of
31 the placement to the school district where the student is
32 currently counted for funding purposes under s. 1011.62 and the
33 receiving school district. The exceptional student shall be
34 enrolled in school and receive a free and appropriate public
35 education, special education, and related services while the
36 notice and procedures regarding payment are pending. This
37 paragraph applies when the placement is for the primary purpose
38 of addressing residential or other noneducational needs and the
39 placement crosses school district lines.

40 (c) Within 10 business days after receiving the
41 notification, the receiving school district must review the
42 student's individual educational plan (IEP) to determine if the
43 student's IEP can be implemented by the receiving school
44 district or by a provider or facility under contract with the
45 receiving school district. The receiving school district shall:

- 46 1. Provide educational instruction to the student;
- 47 2. Contract with another provider or facility to provide
48 the educational instruction; or
- 49 3. Contract with the private residential care facility in
50 which the student resides to provide the educational
51 instruction; ~~or~~
- 52 ~~4. Decline to provide or contract for educational~~
53 ~~instruction.~~

54
55 ~~If the receiving school district declines to provide or contract~~
56 ~~for the educational instruction, the school district in which~~
57 ~~the legal residence of the student is located shall provide or~~
58 ~~contract for the educational instruction to the student. The~~

8-00883-17

20171368__

59 receiving school district providing ~~that provides~~ educational
60 instruction or contracting ~~contracts~~ to provide educational
61 instruction shall report the student for funding purposes
62 pursuant to s. 1011.62.

63 (d)1. The Department of Education, in consultation with the
64 agencies and school districts, shall develop procedures for
65 written notification to school districts regarding the placement
66 of an exceptional student in a residential care facility. The
67 procedures must:

68 a. Provide for written notification of a placement that
69 crosses school district lines; and

70 b. Identify the entity responsible for the notification for
71 each facility that is operated, licensed, or regulated by an
72 agency.

73 2. The State Board of Education shall adopt the procedures
74 by rule pursuant to ss. 120.536(1) and 120.54, and the agencies
75 shall implement the procedures.

76
77 The requirements of paragraphs (c) and (d) do not apply to
78 written agreements among school districts which specify each
79 school district's responsibility for providing and paying for
80 educational services to an exceptional student in a residential
81 care facility. However, each agreement must require a school
82 district to review the student's IEP within 10 business days
83 after receiving the notification required under paragraph (b).

84 Section 2. This act shall take effect July 1, 2017.