

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:

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 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
28 is placed in a private residential care facility by an agency,
29 the agency or private residential care facility licensed by the
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~~
 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
 64 the 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
 71 for 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.