

## Council Substitute for House Bill No. 1313

An act relating to students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, definitions, and special high school graduation requirements; revising the terminology used to identify students with certain disabilities; amending s. 1003.21, F.S., relating to school attendance; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules relating to the eligibility of certain children with disabilities for admission to special programs and related services; removing the authority of district school boards to adopt such rules; amending s. 1004.55, F.S.; deleting a provision that prohibits direct medical intervention or pharmaceutical intervention in a regional autism center; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

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

Section 1. Paragraph (f) of subsection (10) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(f) Students with disabilities ~~handicapping conditions~~ and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

Section 2. Subsection (1) of section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual educational ~~education~~ plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are documented as having an intellectual disability a mental handicap, including trainable, profound, or educable; a speech impairment; a ~~or~~ language impairment; a hearing impairment, including

deafness; a visual impairment, including blindness; a dual sensory impairment; an ~~orthopedic a physical~~ impairment; ~~an other health~~ impairment; a ~~serious emotional disturbance, including an emotional or behavioral disability~~ handicap; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

Section 3. Paragraph (a) of subsection (3) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(3)(a) “Exceptional student” means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. 1003.21(1)(e).

Section 4. Paragraph (e) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services under rules adopted by the district school board. Exceptional Children with disabilities younger than 3 years of age who are deaf or hard of hearing; visually impaired; dual sensory impaired; orthopedically impaired; other health impaired; who have experienced traumatic brain injury; ~~severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have autism spectrum disorder;~~ established conditions, or who exhibit developmental delays or intellectual disabilities, below age 3 may be eligible for special programs and may receive services in accordance with rules of the State Board of Education; or, if enrolled in other school readiness programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.

Section 5. Section 1003.438, Florida Statutes, is amended to read:

1003.438 Special high school graduation requirements for certain exceptional students.—A student who has been identified properly classified, in accordance with rules established by the State Board of Education, as a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory impaired ~~“educable mentally handicapped,” “trainable mentally handicapped,” “hearing impaired,” “specific learning disabled,” “physically or language impaired,” or “emotionally handicapped”~~ shall not be required to meet all requirements of s. 1003.43 or s. 1003.428 and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. 1008.25, be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board ~~for exceptionality~~, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. ~~A student who has been properly classified as “profoundly handicapped” and who meets the special requirements of the district school board for a special diploma in accordance with requirements for any exceptional student identified in this section shall be awarded a special diploma; however, such a student shall alternatively be eligible for a special certificate of completion, in a form prescribed by the commissioner, if all school requirements for students who are “profoundly handicapped” have been met.~~ However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 1003.43 or s. 1003.428 through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 6. Subsection (4) of section 1004.55, Florida Statutes, is amended to read:

1004.55 Regional autism centers.—

(4)(a) Each center shall provide:

(a)1. A staff that has expertise in autism and autistic-like behaviors and in sensory impairments.

(b)2. Individual and direct family assistance in the home, community, and school. A center’s assistance should not supplant other responsibilities of state and local agencies, and each school district is responsible for providing an appropriate education program for clients of a center who are school age.

(c)3. Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client's family, and the school district, and any other services that are appropriate.

(d)4. Professional training programs that include developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the centers and their families.

(e)5. Public education programs to increase awareness of the public about autism, autistic-related disabilities of communication and behavior, dual sensory impairments, and sensory impairments with other handicapping conditions.

~~(b) Direct medical intervention or pharmaceutical intervention is prohibited in any center on or after July 1, 2008.~~

Section 7. Subsection (2) of section 1007.02, Florida Statutes, is amended to read:

1007.02 Access to postsecondary education and meaningful careers for students with disabilities; popular name; definition.—

(2) For the purposes of this act, the term "student with a disability" means any student who is documented as having an intellectual disability ~~mental retardation~~; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability a serious emotional disturbance, including an emotional handicap; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

Section 8. Section 1007.264, Florida Statutes, is amended to read:

1007.264 Persons with disabilities ~~Impaired and learning disabled persons~~; admission to postsecondary educational institutions; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), except those students who have been documented as having intellectual disabilities ~~mental retardation~~, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person's failure to meet the admission requirement is related to the disability.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute admission requirements where appropriate.

(3) The Board of Governors, in consultation with the State Board of Education, shall adopt rules to implement this section for state universities and shall develop substitute admission requirements where appropriate.

Section 9. Section 1007.265, Florida Statutes, is amended to read:

1007.265 Persons with disabilities ~~Impaired and learning disabled persons~~; graduation, study program admission, and upper-division entry; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, except those students who have been documented as having intellectual disabilities ~~mental retardation~~, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute requirements where appropriate.

(3) The Board of Governors, in consultation with the State Board of Education, shall adopt rules to implement this section for state universities and shall develop substitute requirements where appropriate.

Section 10. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.