

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 Education Pre-K - 12 Committee

BILL: SB 554

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness in Public Schools

DATE: January 5, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	deMarsh-Mathues	ED	Pre-meeting
2.	_____	_____	CF	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires district school boards to provide disability history and awareness instruction in all K-12 public schools, beginning with the 2013-2014 school year. The instruction must be provided by individuals who have a disability. They must be approved by the Department of Education (DOE) and meet existing background screening requirements. The DOE would be tasked with assisting in the development of an appropriate disability curriculum to be used in the school districts.

Under the bill, the DOE would be required to establish and provide support for a disability awareness council. The council is tasked with submitting an annual report and ensuring that instructors meet the requirements specified in the bill.

This bill amends section 1003.4205 of the Florida Statutes.

II. Present Situation:

Disability History and Awareness

According to a U.S. Census Bureau report, one in five United States residents – or around 54 million Americans – reported some level of disability in 2005.¹ Approximately 13 percent of children age 6 to 14 have a disability,² and as of 2008, 95 percent of students age 6 to 21 were

¹ Disabled World, *New Statistics 54.4 Million Americans with a Disability* (December 20, 2008), <http://www.disabled-world.com/disability/statistics/us-disability-stats.php>. (last visited January 3, 2012).

² *Id.*

taught in a general education classroom.³ According to the Museum of disABILITY History, students:

“benefit from learning about the story of people with disabilities, including how they used to be viewed and treated, how conditions have changed over time and how individuals with disabilities are currently actively involved in self-advocacy and in their communities. Given the context of disability history, students will be equipped with the tools needed to engage in critical thinking and will be more likely to view individuals with disabilities as people deserving of dignity and respect just like everyone else.”⁴

Disability advocates began a campaign to help create understanding and to celebrate the history of individuals with disabilities, and in 2006, West Virginia passed the first Disability History Week bill.⁵ Twenty-three other states, including Florida, have since passed similar legislation.⁶

In 2008, the Florida Legislature authorized each district school board to provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October.⁷ During “Disability History and Awareness Weeks,” students may be provided with instruction to expand their knowledge, understanding, and awareness of individuals with disabilities and the history of disability and the disability rights movement. The instruction may be integrated into the existing school curriculum and may be taught by qualified school personnel or knowledgeable guest speakers.

The DOE, developed a resource guide to help school districts promote Disability History and Awareness Weeks.⁸ The guide includes:

- Promotional ideas to help schools promote disability history and awareness;
- Flyers 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.⁹

³ National Center for Education Statistics, *Fast Facts*, <http://nces.ed.gov/fastfacts/display.asp?id=59>. (last visited January 3, 2012).

⁴ Museum of disABILITY History, *Disability History Week: Importance*, <http://disabilityhistoryweek.org/pages/importance/>. (last visited January 3, 2012).

⁵ Museum of disABILITY History, *Disability History Week: National Disability History Week Initiative*, <http://www.disabilityhistoryweek.org/blogs/read/9>. (last visited January 3, 2012).

⁶ <http://www.disabilityhistoryweek.org/legislations/>.

⁷ Chapter 2008-156, s. 1, L.O.F., codified in s. 1003.4205, F.S.

⁸ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf>. (last visited January 3, 2012).

⁹ *Id.* at 1.

In 2010, the Commissioner was directed to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.¹⁰ The commissioner was instructed to address:

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.¹¹

Governor's Commission on Disabilities

The Commission was designed, by Executive Order, to “advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations.”¹² The Commission made recommendations for strategies to address barriers faced by persons with disabilities in education, employment, transportation, civil rights, health care, and access to technology.¹³

III. Effect of Proposed Changes:

Beginning with the 2013-2014 school year, district school boards would be required to provide disability history awareness and instruction in all K-12 public schools during the first two weeks in October. This instruction is currently an optional activity.

Individuals with disabilities who provide instruction would be approved by the DOE, subject to current statutory background screening requirements.¹⁴ Presumably, the DOE would approve an individual whose expertise is determined by the council.

Under the bill, the DOE would establish and provide support for a disability awareness council, comprised of the Commissioner of Education and eight appointed members. The council's responsibilities include ensuring that presenters have the requisite expertise and submitting an annual report to the Governor, the presiding officers of the Legislature, and district school superintendents.

¹⁰ Chapter 2010-224, s. 6, L.O.F., codified in s. 1012.582, F.S.

¹¹ Section 1012.582(1), F.S.

¹² Office of the Governor, State of Florida, *Executive Order Number 07-148* (July 26, 2007), and *Executive Order Number 08-193* (Sept. 11, 2008), available at <http://www.flgov.com/2007-executive-orders/> and <http://www.flgov.com/2008-executive-orders/>. (last visited December 31, 2011).

¹³ Governor's Commission on Disabilities, *2009 Report* (June 2009) and *2010 Report* (July 2010), available at http://www.dms.myflorida.com/other_programs/governor_s_commission_on_disabilities and http://fodh.php.ufl.edu/files/2011/05/Report_Final_Edited2010-GovReport0902-10.pdf (last visited December 31, 2011).

¹⁴ The bill specifies that these individuals are subject to the requirements in s. 1012.465, F.S., for 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. The bill does not prohibit instructional personnel who have a disability from providing this instruction. If they provide the instruction, they would be subject to the requirements in ss. 1012.32 and 1012.56, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

There may be some costs associated with requiring the DOE to assist in developing an appropriate disability curriculum to be used in the school districts. However, the costs may be mitigated if the DOE uses or adapts provisions in the existing resource guide, which includes curriculum topics required under the bill.

The cost to the DOE for acting as the fiscal agent for the council and providing a liaison to the council is unknown.

The bill requires the council to meet at least twice a year and more often as needed. The bill does not specify a source of funding to support the council.

VI. Technical Deficiencies:

In the title on line 16, a semicolon is needed after the word "council." Line 89, unnecessarily refers to the Jessica Lunsford Act. Section 1012.465, F.S., created by chapter 2004-295, L.O.F., was amended by the Jessica Lunsford Act. (*See* chapter 2005-28, L.O.F.).

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
