

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 Education

BILL: SB 226

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness

DATE: March 15, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Pre-meeting
2.			CF	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

SB 226 changes current law to require, rather than authorize, 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 integrated into the existing school curriculum and be augmented by individuals who have a disability and are approved by the school or school district and meet existing background screening requirements. The Department of Education is tasked with assisting in the development of an appropriate disability curriculum to be used in the school districts.

The bill creates the Disability History and Awareness Advisory Council within the Department of Education. The Disability History and Awareness Advisory Council is tasked with submitting an annual report, providing input regarding the curriculum for disability history and awareness, and assisting schools in locating individuals to make presentations at schools.

The bill is effective upon becoming law.

This bill amends section 1003.4205 of the Florida Statutes.

II. Present Situation:

Disability History and Awareness

One in five (19% or approximately 54 million) people living in the United States have a disability. Five percent of children between the age of 5 and 17 have disabilities.¹

The 2008, the Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."² Each district school board may provide disability history and awareness instruction to students in kindergarten through grade 12. The instruction may be integrated into the existing school curriculum and the goals of the instruction must be to achieve better treatment for individuals with disabilities; encourage individuals with disabilities to develop increased self-esteem; and reaffirm the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities. Qualified school personnel or knowledgeable guest speakers may deliver disability history and awareness instruction.³

The Bureau of Exceptional Education & Student Services, within the Department of Education (DOE), created a resource guide to help school districts promote Disability History and Awareness Weeks.⁴ The guide includes:⁵

- 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

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),

http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (March 15, 2013).

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

³ Section 1003.4205, F.S. Nationally, disability advocates are mobilizing to create understanding and celebrate the history of individuals with disabilities. In 2006, West Virginia passed the first Disability History Week bill. Since 2006, twenty states, including Florida, have signed disability awareness-related laws. Additional states are considering similar legislation. Museum of disABILITY History, *Disability History Week: Legislation*, <http://www.disabilityhistoryweek.org/legislations/> (last visited March 14, 2013).

⁴ 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>, at 1.

⁵ 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>, at 1-2.

integrated into a curriculum for students.

Current law requires the Commissioner of Education to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.⁶ Continuing education must include:⁷

- 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.

III. Effect of Proposed Changes:

SB 226 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2013-2014 school year. The disability history and awareness instruction must be provided during the first two weeks in October.

The bill requires the DOE to assist in creating the curriculum for the disability history and awareness instruction. The resource guide that the DOE created to help school districts promote Disability History and Awareness Weeks provides a list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.⁸ The bill will likely raise greater awareness about individuals with disabilities and promote the full inclusion of such individuals in our society.

Beginning in the 2014-2015 school year, such instruction must be integrated into the existing school curriculum. Additionally, the bill requires that the instruction be augmented by presentations from individuals who:

- Have disabilities;
- Are approved as presenters by the school or school district; and

⁶ Section 6, ch. 2010-224, L.O.F., *codified at* s. 1012.582, F.S.

⁷ Section 1012.582(1), 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>, at 2.

- Meet the background screening requirements regarding entering schools and interacting with children under current law.⁹

The bill creates the Disability History and Awareness Advisory Council (council) within the DOE. The council must consist of 15 members, including the commissioner or the commissioner's designee, a member of the House of Representatives or the member's designee, and a member of the Senate or the member's designee. Of the remaining members, 6 individuals must be younger than 30 years of age and 6 individuals must be older than 30 years of age. Such individuals must apply to the DOE in order to become members of the council. The bill specifies that the commissioner, the Senate member, and the House of Representatives member are ex officio, nonvoting members of the council.

The bill requires that the council's responsibilities include at least the following:

- Provide input to the DOE regarding the curriculum for disability history and awareness;
- Assist, upon request, schools or school districts in locating individuals who have disabilities to make presentations at schools; and
- Submit an annual report to the Governor, the presiding officers of the Legislature, and the superintendent of each school district in the state. By August 1, 2014, and each year thereafter, the report must, at least, include recommendations and policy alternatives regarding the state of disability awareness in this state.

The council must meet at least four times a year or as often as needed.

The bill requires the DOE to provide a liaison to assist the council regarding the council's operations. Additionally, the bill requires the DOE to serve as the fiscal agent for all financial transactions required by the council.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ Section 1012.465, F.S., relates to background screening 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. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be costs associated with the DOE providing a liaison to assist the disability history and awareness advisory council.

VI. Technical Deficiencies:

None.

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.