

Committee on Education

CS/SB 1108 — Exceptional Student Education

by Education Committee and Senators Gardiner, Thrasher, Ring, Gaetz, Abruzzo, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Diaz de la Portilla, Evers, Flores, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Joyner, Latvala, Lee, Legg, Margolis, Montford, Negron, Richter, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill provides mechanisms for increased parental involvement and specifies school and program accountability requirements.

Parental Involvement

The bill creates a new framework for parents to participate in the individual education plan (IEP) process, encourages collaboration between public school and private instructional personnel to avoid duplication or conflicting services or plans, and provides for an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment.

Parental Consent

The bill prohibits districts from interfering with meetings in which a parent invites another person to attend. Parental consent on an IEP is required for Exceptional Student Education (ESE) center placement and Florida Alternate Assessment (FAA) and instruction decisions, unless the school district documents that reasonable efforts have been made to obtain consent, the parent failed to respond, or approval was obtained through due process. An IEP team meeting must be held to make these decisions.

At the initial IEP meeting, the bill requires each school district to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student (i.e., Level 1, Level 2, Level 3, Level 4, and Level 5).

Collaboration

The bill authorizes private instructional personnel who are employed by the parent or under contract to observe a student in a public school setting or provide services in the educational setting at a time agreed upon by the private instructional personnel and the school.

Extraordinary Exemption

The bill also provides a process for granting an extraordinary exemption from administration of a statewide standardized assessment or alternate assessment for a student with a disability who has not had allowable accommodations offered due to technology limitations in the testing administration program or whose assessment results would reflect the student's condition rather

than student achievement. The bill also provides for an exemption, based on an IEP team determination, as well as a process for requesting an exemption from testing during a particular testing window. The latter request would be made to the district superintendent with a recommendation by him or her to the Commissioner of Education. A parent would be permitted to appeal the decision.

Accountability

The bill defines an ESE center as a separate public school that is not accessible to nondisabled peers and provides for the choice of a school grade or school improvement rating, at the discretion of the center. The bill specifies that the student achievement scores and learning gains of students with a disability who have only been enrolled in or attended an ESE center for grades K -12 are not included in the home school's grade if the student receives a rating of "emergent," which is a FAA performance category.

Program Assessment

The bill requires a district and school to complete a Best Practices in Inclusive Education assessment with a Florida Inclusion Network facilitator. The assessment is designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels.

Federal Funding

The bill establishes requirements for the reimbursement of federal funds to charter schools, including Title I, Title II, and Individuals with Disabilities Education Improvement Act of 2004 (IDEA) funds. The sponsor must reimburse the charter school on a monthly basis for all invoices submitted by charter schools for federal funds available for the benefit of charter schools and students.

Renewal of Professional Educator Certificate

The bill requires applicants to earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities, for renewal of a professional educator certificate. The requirement may not, however, add to the total hours required by the Department of Education for continuing education or inservice training.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 39-0; House 118-0