

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: CS/SB 578

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Ring

SUBJECT: Disability Awareness

DATE: April 7, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Daniell	Walsh	CF	Fav/CS
2.	Carrouth	Matthews	ED	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill requires that district school boards provide disability history awareness and instruction during the first week in October in all K-12 public schools. The instruction must be provided by individuals who have a disability or by teachers who specialize in exceptional student education. Beginning with the 2012-2013 school year, the instruction must be provided by individuals who are certified to provide instruction in disability awareness or by teachers currently employed at the school site who specialize in exceptional student education.

The bill requires the Governor’s Commission on Disabilities (commission) to initiate a study in collaboration with other state agencies to establish training standards and curriculum for disability awareness. Beginning July 1, 2012, the commission would oversee a statewide program for providers of training and certification of instructors in disability awareness. The bill establishes an application or renewal fee for both providers of disability awareness training and the actual certified instructors.

This bill amends section 1003.4205, and creates an unnumbered section 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 approximately 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 2007, 95 percent of students age 6 to 21 were taught in a general education classroom.³ According to the Museum for 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

On this premise, 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 Fourteen other states, including Florida, have since passed similar legislation.⁶

In 2008, the Florida Legislature created s. 1003.4205, F.S.,⁷ which authorizes each district school board to provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October. 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 of these things can be integrated into the existing school curriculum and may be taught by qualified school personnel or knowledgeable guest speakers.

The Bureau of Exceptional Education and Student Services, within the Department of Education (DOE), developed the Disability History and Awareness: A Resource Guide (guide) in order to help school districts promote Disability History and Awareness Weeks.⁸ The guide includes, among other things:

¹ Disabled World, *New Statistics 54.4 Million Americans with a Disability* (Dec. 20, 2008), available at: <http://www.disabled-world.com/disability/statistics/us-disability-stats.php> (last visited Mar. 17, 2011).

² *Id.*

³ National Center for Education Statistics, *Fast Facts*, available at: <http://nces.ed.gov/fastfacts/display.asp?id=59> (last visited Mar. 17, 2011).

⁴ Museum of DisABILITY History, *Disability History Week: Importance*, available at: <http://disabilityhistoryweek.org/pages/importance/> (last visited Mar. 17, 2011).

⁵ Museum of DisABILITY History, *Disability History Week: National Disability History Week Initiative*, available at: <http://www.disabilityhistoryweek.org/blogs/read/9> (last visited Mar. 17, 2011).

⁶ *Id.*

⁷ Ch. 2008-156, s. 1, L.O.F.

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 April 8, 2011).

- 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

In 2010, s. 1012.582, F.S., was created and directed the Commissioner of Education (commissioner) 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

The statute required DOE to incorporate the course curricula recommended by the commission in the 2010-2011 school year.

Governor’s Commission on Disabilities

The Governor’s Commission on Disabilities (commission) was created by Governor Crist on July 26, 2007, by Executive Order 07-148 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 was scheduled to sunset on July 26, 2008, unless its existence was extended by the Governor. Governor Crist maintained the commission by Executive Order 08-193, which authorized the commission to continue to work in the areas identified in its July 2008 Report to the Governor.¹³ The Governor appoints the members of the commission and those members serve a one-year term.¹⁴ The commission is located, for administrative purposes only, within the Department of Management

⁹ *Id.* at 1.

¹⁰ Ch. 2010-224, s. 6, L.O.F.

¹¹ Section 1012.582(1), F.S.

¹² Office of the Governor, State of Florida, *Executive Order Number 07-148* (July 26, 2007), available at: <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=ylozTVSuCyo%3d&tabid=40> (last visited April 7, 2011).

¹³ Office of the Governor, State of Florida, *Executive Order Number 08-193* (Sept. 11, 2008), available at: <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=PHh2VvO7jjE%3d&tabid=40> (last visited April 7, 2011).

¹⁴ *Executive Order Number 07-148*, *supra* note 12.

Services.¹⁵ Although the most recent executive order authorizing the existence of the commission was in 2008, it appears that the commission has continued its work to identify barriers that persons with disabilities face, and to provide recommendations to overcome those barriers.¹⁶

III. Effect of Proposed Changes:

This bill amends s. 1003.4205, F.S., to require that district school boards provide disability history awareness and instruction in all K-12 public schools during the first week in October, which is to be known as “Disability History and Awareness Week.” This instruction is currently an optional activity which may be provided anytime during the first two weeks of October.

The bill requires that the instruction be provided by individuals with a disability or by teachers currently employed at the school site who specialize in exceptional student education, beginning in the 2012-2013 school year.

The bill requires the Governor’s Commission on Disabilities to initiate a study in collaboration with other state agencies to establish training standards and curriculum for disability awareness. The commission would then be tasked to encourage public engagement in promoting equal opportunities for persons with disabilities and awareness of the history of the disability rights movement. Under s. 20.03(10), F.S., a “commission” means a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor that exercises limited quasi-legislative or quasi-judicial powers. The commission under this bill was created by executive order. Moreover, the commission appears to be more of a regulatory body with licensing authority. The commission is authorized to adopt rules to implement the licensing scheme. These functions appear to be more of an executive exercise of power.

Essentially, the bill establishes a licensing scheme for trainers of instructors in disability awareness and the certification of instructors in disability awareness. The licenses would be renewed every three years and a fee would be paid to the commission up to \$200 for trainers and \$100 for instructors.

Because the Department of Education has developed a Disability History and Awareness Resource Guide¹⁷ which concentrates on the tasks required of the commission under the bill, it may be beneficial to use or adapt the work already completed in this area.

The bill takes effect upon becoming a law.

¹⁵ *Id.*

¹⁶ See Governor’s Commission on Disabilities, *2009 Report* (June 2009), available at: <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=ZPVM9H8Yewg%3d&tabid=40> (last visited April 8, 2011), and Governor’s Commission on Disabilities, *2010 Governor’s Report* (July 2010), available at: <http://fldisabilityinfo.com/LinkClick.aspx?fileticket=bS1I2Q2vNWI%3d&tabid=40> (last visited April 8, 2011).

¹⁷ 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 April 8, 2011).

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:

Individuals interested in becoming trainers of instructors in disability awareness or certified instructors in disability awareness would incur licensing fees upon attaining the status of an approved provider or certified instructor and renewal fees every three years.

C. Government Sector Impact:

The bill requires the Governor's Commission on Disabilities to establish standards and a curriculum to promote disability awareness. The associated costs are unknown at this time, but could be eliminated altogether if the commission were to use educational materials and training previously developed by the Department of Education.

School district may avoid the cost of selecting certified instructors by using instructional personnel certified in exceptional student education; however, there may be some operational costs to the districts when these teachers are not teaching exceptional education students.

VI. Technical Deficiencies:

The commission was created by Governor Crist on July 26, 2007, by Executive Order 07-148. The commission was scheduled to sunset on July 26, 2008, unless its existence was extended by the Governor. Governor Crist issued Executive Order 08-193 in 2008 maintaining the commission, but there has not been another executive order authorizing the existence of the commission since. Accordingly, the status of the commission is currently unknown.

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.)

CS by Children, Families, and Elder Affairs on March 22, 2011:

The committee substitute changes the date the study by the private nonprofit entity must be submitted to the Governor’s Commission on Disabilities from July 1, 2011 to July 1, 2012.

- B. **Amendments:**

None.

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