

**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 Children, Families, and Elder Affairs

BILL: CS/SB 226

INTRODUCER: Education Committee and Senator Ring

SUBJECT: Disability Awareness

DATE: April 4, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Fav/CS</b>
2.	Peterson	Hendon	CF	<b>Favorable</b>
3.			AED	
4.			AP	
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:**

CS/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 2014-2015 school year. The instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability and are approved by the school or school district and meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, roles and responsibilities, and frequency of meetings each year.

The bill will not have a fiscal impact on the state and is effective upon becoming law.

This bill amends section 1003.4205 of the Florida Statutes.

## II. Present Situation:

One in five (19 percent 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.<sup>1</sup>

The 2008 Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."<sup>2</sup> 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.<sup>3</sup>

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

- 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 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.<sup>6</sup> Continuing education must include:

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<sup>1</sup> United States Census Bureau, *Profile America Facts for Features: 20<sup>th</sup> Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report), available at [http://www.census.gov/newsroom/releases/archives/facts\\_for\\_features\\_special\\_editions/cb10-ff13.html](http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html) (last visited March 15, 2013).

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

<sup>3</sup> 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*, available at <http://www.disabilityhistoryweek.org/legislations/> (last visited March 14, 2013).

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> Section 1012.582 (1), F.S.

- 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.<sup>7</sup>

### III. Effect of Proposed Changes:

CS/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 2014-2015 school year. The bill is expected to raise greater awareness about individuals with disabilities and promote the full inclusion of such individuals in our society.

The disability history and awareness instruction must be provided during the first two weeks in October. 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
- Meet the background screening requirements regarding entering schools and interacting with children under current law.<sup>8</sup>

The bill requires each public school in Florida to establish a disability history and awareness council and requires that the council:

- Be made up of seven members, including six teachers who are employed at each public school and one individual with a disability from the local community.
- Perform the following roles and responsibilities:
  - Providing input to the public school regarding curriculum for disability history and awareness;
  - Assisting with locating individuals with disabilities to make presentations at schools; and
  - Submitting, an annual report by August 1, 2014, and each year thereafter, to the superintendent of the school district in which the public school is located. The annual report must include recommendations and policy alternatives regarding the state of disability awareness at the public school.
  - Meet at least four times each year.

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<sup>7</sup> *Id.*

<sup>8</sup> 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.

**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:

None.

**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.)**CS by Education on April 1, 2013:**

The committee substitute:

- Removes requirement regarding DOE assisting with creating curriculum for the disability history and awareness instruction for use in each school district.
- Requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, roles and responsibilities, and frequency of meetings.

B. Amendments:

None.

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

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