

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 Pre-K - 12

BILL: CS/SB 152

INTRODUCER: Committee on Education Pre-K – 12 and Senator Ring

SUBJECT: Disability Awareness

DATE: February 20, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Fav/CS
2.			AED	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools, during the first 2 weeks in October, beginning with the 2016-2017 school year. Current law encourages school districts to provide the instruction.

The required disability awareness instruction must be integrated into the existing school curriculum and be augmented by presentations from individuals who have a disability, who are approved by the school or school district, and who meet existing background screening requirements.

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

The bill takes effect July 1, 2015.

II. Present Situation:

According to the United States Census Bureau, 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 a disability.¹

The 2008 Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."² Florida law authorizes each district school board to 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.

To facilitate the implementation of the law, the Bureau of Exceptional Education and Student Services, within the Florida Department of Education (DOE), created a resource guide to help school districts promote Disability History and Awareness Weeks.³ The guide includes:

- 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.⁴

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.⁵ Continuing education must include:

- 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;

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), available at http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (last visited Feb. 10, 2015).

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

³ Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/core/fileparse.php/7674/urlt/0064490-dha-resource2010.pdf>, at 9 of 95.

⁴ *Id.*

⁵ Section 1012.582 (1), F.S.

- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.⁶

III. Effect of Proposed Changes:

CS/SB 152 requires district school boards to annually provide disability history and awareness instruction in all K-12 public schools beginning with the 2016-2017 school year, and requires each public school to create a new advisory council. Specifically, the bill establishes new instructional and advisory council requirements.

Disability History and Awareness Instruction

CS/SB 152 requires disability history and awareness instruction to be provided during the first two weeks in October beginning with the 2016-2017 school year and specifies the following additional requirements be included in such instruction:

- Events and timelines of the services to, and civil rights of, individuals who had or have disabilities; and
- Contributions of specific individuals who had or have disabilities, including the contributions of national leaders.

Through this bill, instruction must be integrated into the existing school curriculum.

Additionally, the bill adds a new requirement 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.⁷

Disability History and Awareness Advisory Council

Current law empowers school district superintendents to determine how and to what extent, disability instruction is provided in schools.⁸ The bill requires each public school to create a disability history and awareness advisory council that specifically:

- Consists of seven members, including six teachers who are employed at the school and one individual with a disability from the local community.
- Performs, at a minimum, the following responsibilities:
 - Provides input to the public school regarding curriculum for disability history and awareness;
 - Assists with locating individuals with disabilities to make presentations at schools; and
 - Submits, an annual report by August 1, 2016, and each year thereafter, to the superintendent of the school district in which the public school is located. The annual

⁶ *Id*

⁷ 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.

⁸ Section 1003.4205(1), F.S.

- report must, at a minimum, include recommendations and policy alternatives regarding the state of disability awareness at the public school.
- Meets at least four times each year.

The bill takes effect July 1, 2015.

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:

The Florida Department of Education reported that the school districts will incur costs associated with conducting fingerprinting and background investigations for community members and presenters and providing administrative assistance to public schools regarding annual reports. The cost for fingerprinting and background screening is \$67 per community member and presenter per school. In the event the disability history and awareness council meets during the school day, substitute teachers would be required. On an average, the cost for hiring substitute teachers ranges between \$10-\$15 per hour, per teacher. Compensation schedules differ by school district. Teachers, in some school districts, may qualify for supplemental or stipend pay if the council meets outside regular school hours. Associated district-level costs are indeterminate.⁹

VI. Technical Deficiencies:

None.

⁹ Email, Florida Department of Education (Jan. 14, 2015) on file with the Education Pre-K-12 Committee.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.4205 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K-12 on February 18, 2015:

The committee substitute changes the effective date from upon becoming a law to July 1, 2015 to avoid interrupting the current 2014-2015 school year.

B. Amendments:

None.