HB 425

2015

1	A bill to be entitled
2	An act relating to the education of children with
3	disabilities; providing a short title; providing a
4	Florida Bill of Rights for Children with Disabilities
5	and their Parents or Guardians; providing guarantees
6	relating to free appropriate public education, a
7	least-restrictive educational environment, an
8	individual education plan, procedural due process,
9	nondiscriminatory assessment, parental participation,
10	and data sharing; providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Florida Bill of Rights for Children with
15	Disabilities and their Parents or Guardians
16	(1) SHORT TITLE.—This section may be cited as the "Florida
17	Bill of Rights for Children with Disabilities and their Parents
18	or Guardians."
19	(2) RIGHTS OF CHILDREN WITH DISABILITIES AND THEIR PARENTS
20	OR GUARDIANSEach child with a disability and his or her parent
21	or guardian shall have the following guarantees:
22	(a) Free appropriate public education.—Each child,
23	regardless of the severity of the disability, shall be provided
24	an education appropriate to his or her unique needs at no cost
25	to the parent or guardian, including related services as
26	determined educationally necessary for a child to benefit from
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27	exceptional student education. Related services include, but are
28	not limited to, occupational therapy, physical therapy,
29	orientation and mobility instruction, and other support services
30	for a student with a disability.
31	(b) Least-restrictive environmentEach child with a
32	disability shall be educated, to the maximum extent appropriate,
33	with students without disabilities. Placement of the child shall
34	be consistent with the student's educational needs, selected
35	from the state's full continuum of alternate placements.
36	(c) Individual education planEach child with a
37	disability shall have an individual education plan (IEP),
38	developed with the assistance of the parent or guardian, that
39	addresses the following:
40	1. Present level of the student's academic functioning.
41	2. Annual goals and accompanying instructional objectives.
42	3. Educational services to be provided.
43	4. Degree to which the student will be able to participate
44	in general education programs.
45	5. Plans for initiating services and the length of service
46	delivery.
47	6. Annual evaluation procedure that specifies objective
48	criteria to determine if instructional objectives are being met.
49	(d) Procedural due processThe parent or guardian shall
50	be afforded several safeguards pertaining to his or her child's
51	education, including the confidentiality of records. The parent
52	or guardian also has the right to:
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53	1. Examine all of the records of his or her child.
54	2. Obtain an independent evaluation of his or her child.
55	3. Receive written notification, in his or her native
56	language, of proposed changes to his or her child's educational
57	classification or placement.
58	4. Receive an impartial hearing whenever disagreements
59	arise regarding educational plans for his or her child.
60	5. Be represented by legal counsel.
61	(e) Nondiscriminatory assessmentBefore placement, a
62	child shall be evaluated by a multidisciplinary team in all
63	areas of suspected disability by assessments that are not
64	racially, culturally, or linguistically biased. Students shall
65	be given several types of assessments administered by trained
66	personnel. A single evaluation procedure is not permitted for
67	planning or placement purposes.
68	(f) Parental participationBased on the Education for All
69	Handicapped Children Act, Pub. L. No. 94-142, which mandates
70	meaningful parent involvement, a parent or guardian shall
71	participate fully in the decisionmaking process that affects his
72	or her child's education.
73	(g) Data sharing.—A shared database that contains
74	information about a student with a disability shall be accessed
75	by the prekindergarten through grade 12 public school system and
76	the public postsecondary education system.
77	Section 2. This act shall take effect July 1, 2015.
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