

By the Committee on Education; and Senators Perry and Mayfield

581-03363-17

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1 A bill to be entitled
2 An act relating to exceptional students; amending s.
3 1002.20, F.S.; authorizing a parent to request and be
4 granted permission for a student's absence from school
5 for treatment of autism spectrum disorder by a
6 licensed health care practitioner; amending s.
7 1003.21, F.S.; requiring each district school board to
8 adopt an attendance policy authorizing a student's
9 absence for treatment of autism spectrum disorder;
10 amending s. 1003.24, F.S.; revising an exemption
11 relating to parental responsibility for nonattendance
12 of a student to include treatment for autism spectrum
13 disorder; amending s. 1003.57, F.S.; prohibiting
14 certain school districts from declining to provide or
15 contract for certain students' educational
16 instruction; providing for funding of such students;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
20

21 Section 1. Paragraph (c) of subsection (2) of section
22 1002.20, Florida Statutes, is amended, present paragraph (d) is
23 redesignated as paragraph (e), and a new paragraph (d) is added
24 to that subsection, to read:

25 1002.20 K-12 student and parent rights.—Parents of public
26 school students must receive accurate and timely information
27 regarding their child's academic progress and must be informed
28 of ways they can help their child to succeed in school. K-12
29 students and their parents are afforded numerous statutory

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30 rights, including, but not limited to, the following:

31 (2) ATTENDANCE.—

32 (c) *Absence for religious purposes.*—A parent of a public
33 school student may request and be granted permission for absence
34 of the student from school for religious instruction or
35 religious holidays, in accordance with the provisions of s.
36 1003.21(2)(b)1 ~~1003.21(2)(b)~~.

37 (d) Absence for treatment of autism spectrum disorder.—A
38 parent of a public school student may request and be granted
39 permission for absence of the student from school for an
40 appointment scheduled to receive a therapy service or other
41 medical treatment provided by a licensed health care
42 practitioner for the treatment of autism spectrum disorder
43 pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

44 Section 2. Paragraph (b) of subsection (2) of section
45 1003.21, Florida Statutes, is amended to read:

46 1003.21 School attendance.—

47 (2)

48 (b) Each district school board, in accordance with rules of
49 the State Board of Education, shall adopt policies authorizing a
50 ~~policy that authorizes~~ a parent to request and be granted
51 permission for absence of a student from school for:

52 1. Religious instruction or religious holidays.

53 2. An appointment scheduled to receive a therapy service or
54 other medical treatment provided by a licensed health care
55 practitioner for the treatment of autism spectrum disorder,
56 including, but not limited to, applied behavioral analysis,
57 speech therapy, and occupational therapy.

58 Section 3. Subsection (4) of section 1003.24, Florida

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59 Statutes, is amended to read:

60 1003.24 Parents responsible for attendance of children;
61 attendance policy.—Each parent of a child within the compulsory
62 attendance age is responsible for the child's school attendance
63 as required by law. The absence of a student from school is
64 prima facie evidence of a violation of this section; however,
65 criminal prosecution under this chapter may not be brought
66 against a parent until the provisions of s. 1003.26 have been
67 complied with. A parent of a student is not responsible for the
68 student's nonattendance at school under any of the following
69 conditions:

70 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.—
71 Attendance was impracticable or inadvisable on account of
72 sickness or injury, as attested to by a written statement of a
73 licensed practicing physician, or a written statement of a
74 licensed health care practitioner for the treatment of autism
75 spectrum disorder, or was impracticable because of some other
76 stated insurmountable condition as defined by rules of the State
77 Board of Education. If a student is continually sick and
78 repeatedly absent from school, he or she must be under the
79 supervision of a physician, or care of a licensed health care
80 practitioner for the treatment of autism spectrum disorder, in
81 order to receive an excuse from attendance. Such excuse provides
82 that a student's condition justifies absence for more than the
83 number of days permitted by the district school board.

84
85 Each district school board shall establish an attendance policy
86 that includes, but is not limited to, the required number of
87 days each school year that a student must be in attendance and

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88 the number of absences and tardinesses after which a statement
89 explaining such absences and tardinesses must be on file at the
90 school. Each school in the district must determine if an absence
91 or tardiness is excused or unexcused according to criteria
92 established by the district school board.

93 Section 4. Subsection (3) of section 1003.57, Florida
94 Statutes, is amended to read:

95 1003.57 Exceptional students instruction.—

96 (3) (a) For purposes of this subsection and subsection (4),
97 the term:

98 1. "Agency" means the Department of Children and Families
99 or its contracted lead agency, the Agency for Persons with
100 Disabilities, and the Agency for Health Care Administration.

101 2. "Exceptional student" means an exceptional student, as
102 defined in s. 1003.01, who has a disability.

103 3. "Receiving school district" means the district in which
104 a private residential care facility is located.

105 4. "Placement" means the funding or arrangement of funding
106 by an agency for all or a part of the cost for an exceptional
107 student to reside in a private residential care facility and the
108 placement crosses school district lines.

109 (b) Within 10 business days after an exceptional student is
110 placed in a private residential care facility by an agency, the
111 agency or private residential care facility licensed by the
112 agency, as appropriate, shall provide written notification of
113 the placement to the school district where the student is
114 currently counted for funding purposes under s. 1011.62 and the
115 receiving school district. The exceptional student shall be
116 enrolled in school and receive a free and appropriate public

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117 education, special education, and related services while the
118 notice and procedures regarding payment are pending. This
119 paragraph applies when the placement is for the primary purpose
120 of addressing residential or other noneducational needs and the
121 placement crosses school district lines.

122 (c) Within 10 business days after receiving the
123 notification, the receiving school district must review the
124 student's individual educational plan (IEP) to determine if the
125 student's IEP can be implemented by the receiving school
126 district or by a provider or facility under contract with the
127 receiving school district. The receiving school district shall:

- 128 1. Provide educational instruction to the student;
- 129 2. Contract with another provider or facility to provide
130 the educational instruction; or
- 131 3. Contract with the private residential care facility in
132 which the student resides to provide the educational
133 instruction; ~~or~~
- 134 4. ~~Decline to provide or contract for educational~~
135 ~~instruction.~~

136
137 ~~If the receiving school district declines to provide or contract~~
138 ~~for the educational instruction, the school district in which~~
139 ~~the legal residence of the student is located shall provide or~~
140 ~~contract for the educational instruction to the student. The~~
141 receiving school district providing ~~that provides~~ educational
142 instruction or contracting ~~contracts~~ to provide educational
143 instruction shall report the student for funding purposes
144 pursuant to s. 1011.62.

145 (d)1. The Department of Education, in consultation with the

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146 agencies and school districts, shall develop procedures for
147 written notification to school districts regarding the placement
148 of an exceptional student in a residential care facility. The
149 procedures must:

150 a. Provide for written notification of a placement that
151 crosses school district lines; and

152 b. Identify the entity responsible for the notification for
153 each facility that is operated, licensed, or regulated by an
154 agency.

155 2. The State Board of Education shall adopt the procedures
156 by rule pursuant to ss. 120.536(1) and 120.54, and the agencies
157 shall implement the procedures.

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159 The requirements of paragraphs (c) and (d) do not apply to
160 written agreements among school districts which specify each
161 school district's responsibility for providing and paying for
162 educational services to an exceptional student in a residential
163 care facility. However, each agreement must require a school
164 district to review the student's IEP within 10 business days
165 after receiving the notification required under paragraph (b).

166 Section 5. This act shall take effect July 1, 2017.