

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Background

In the year 2000, Florida had a population of 15,982,378, including 3,274,566 individuals over the age of five with a disability.¹ The Florida Department of Education (DOE) reported that in 2006-07 school 390,827 students with a disability enrolled in K-12 public schools.² DOE defines children with disabilities as “children with mental handicaps, hearing impairments, visual impairments, dual-sensory impairments, speech or language impairments, emotional handicaps or serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities.”³

Present Situation

Three states (Illinois, Montana, and Washington) have proposed legislation to establish disability education weeks within public schools and two states (West Virginia and North Carolina) have adopted legislation recognizing specific weeks during a designated month each year for disability awareness education to occur within public schools.⁴

Three states (Idaho, Iowa, and New York) have adopted resolutions recognizing specific weeks during a designated month for disability education to occur within public schools. In addition, Florida adopted a resolution during the 2007 Legislative Session designating October 1-15, 2007, as “Disability History and Awareness Weeks” in order to “provide instruction on disability history, people with disabilities, and the disability rights movement.”⁵

Florida law does not specifically require a district school board to provide disability history and awareness instruction in K-12 public schools.

Effects of Proposed Changes

This bill creates s. 1003.4205, F.S., requiring a district school board to annually provide disability history and awareness instruction in all K-12 public schools during the first two weeks in October, designated as “Disability History and Awareness Weeks.” The purpose of “Disability History and

¹ The U.S. Census Bureau, 2007 Population Estimates, Census 2000, *available at* http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=&_state=04000US12&_county=&_cityTown=&_zip=&_sse=on&_lang=en&pctxt=fphState & County Quick Facts-Florida 2000, *also available at* <http://quickfacts.census.gov/qfd/states/12000.html>.

² Florida Department of Education, Bureau of Education Information & Accountability Services, *Membership in Programs for Exceptional Students Fall 2006*, January 2007.

³ Florida Department of Education, Exceptional Student Education, Definition of terms, *available at* <http://www.oppaga.state.fl.us/profiles/2012/01/>.

⁴ The Museum of DisABILITY History, Disability History Week-Legislation, *available at* <http://disabilityhistoryweek.org/legislations/>.

⁵ Senate Resolution, 11-132-07, SR 346

Awareness Weeks” is to expand students’ “knowledge, understanding, and awareness of individuals with disabilities, the history of disability and the disability rights movement.”

This bill provides that disability history instruction consist of specific topics, including, “the events and timelines of the development and evolution of service to, and the civil rights of individuals with disabilities.” The bill further provides, “Disability history must also include the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders.”

The bill provides for the goals of disability history and awareness instruction as: better treatment for individuals with disabilities; encouragement to individuals with disabilities; and reaffirmation of the local, state, and federal commitment to all individuals with disabilities.

Finally, the bill encourages state postsecondary institutions to “conduct and promote activities . . . that provide education, understanding, and awareness of individuals with disabilities, disability history, and the disability rights movement.”

By requiring a school district to include disability history and awareness instruction in its curriculum, teachers will need additional instructional materials. Existing resources may provide adequate information for the required instruction. Also, the DOE website provides a webpage of resources for the “Bureau of Exceptional Education and Student Services,” which has multiple links to websites containing information on disability and disability history.⁶

The disability history and awareness instruction will require a school district to create different curriculum guidelines for elementary, middle, and high schools. A school district will need to ensure the curriculum contains the appropriate content for the different grades within each school. Additionally, a school district will need to enforce the bill’s provisions to ensure compliance with the state law within each school.

The bill requires students receive “intensive instruction” by “qualified school personnel” or “knowledgeable guest speakers.” Florida law classifies instructional personnel as: classroom teachers, student personnel services, librarians/media specialists, other instructional staff, and education paraprofessionals.⁷ The term “qualified school personnel” is not defined in the bill.

C. SECTION DIRECTORY:

This bill creates s. 1003.4205, F.S., designating the first two weeks in October each year as “Disability History and Awareness Weeks.”

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁶ Florida Department of Education, Bureau of Exceptional Education and Student Services-Resources, *available at* <http://www.fldoe.org/ese/linkhome.asp>.

⁷ s. 1012.01(2)(a)-(e), Fla. Stat.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
The cost for a school district to supply instructional materials to teachers, create curriculum guidelines, and enforce the bill's provisions is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
None.

D. FISCAL COMMENTS:
None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The term “school personnel” is not defined, thereby allowing school districts the discretion to determine which “school personnel” are qualified to provide disability history and awareness instruction.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 18, 2008, the Committee on K-12 adopted one strike-all amendment offered by Representative Richardson, and reported the bill favorably.

The strike-all amendment:

- Retains the requirement that a district school board annually designate the first two weeks of October as “Disability History and Awareness Weeks.”
- Removes the requirement that a district school board provide disability history and awareness instruction making the provision of such instruction optional.
- Retains the purpose and goals of providing disability history and awareness instruction, as well as how instruction may be integrated into existing school curriculum.
- Retains the provision encouraging state postsecondary institutions to conduct and promote activities relating to disability education.