

A Legislative History of Florida's Exceptional Student Education (ESE) Program

Before 1960...

- 1874 A child find system was created providing 3 cents for each child age 4–21, identified as deaf/blind and “idiots”; “deaf/mutes” added later
- 1889 Local vs. state control issue fought
- 1915 Children with mental and physical handicaps exempted from the new compulsory attendance law
- 1926 First special education class in Jacksonville opened
- 1941 School districts permitted to serve “physically handicapped children”
- 1945 School districts permitted to serve children who are “educable mentally retarded”
- 1947 Beginning of the Exceptional Child Program with funding through the Minimum Foundation Program



By 1960...

Florida's Program for Exceptional Children was established but severely under funded
There existed:

- The Florida School for the Deaf and the Blind (FSDB) in St. Augustine
- Sunland Training Center in Gainesville
- Children's Program at South Florida State Hospital

Exceptional child funding “units” were established as part of the Minimum Foundation Program

Student enrollment was beginning to reflect the most rapid growth in the history of the state

- In 1960, there were 937 teachers for 52,881 students
- In 1988, there were 14,330 teachers for 307,281 students

Vocational, exceptional, and kindergarten funding units were frozen for two years

Since 1960...

- 1963 Out-of-Field Scholarship Bill passed
Large print book purchases funded
Cooperative agreements with Division of Vocational Rehabilitation authorized
- 1967 Children's Psychiatric Unit at University of Florida at Shands established
Teacher walkout occurs

- 1968 Special legislative session results in five year plan for an ESE program mandate
Unit increase \$500+ per year for 5 years = \$4,398,320
Facilities \$4,000,000 per year for 5 years
Scholarships \$227,000 (inservice)
State Staff \$54,000
Research \$100,000
Program changes
Gifted, Trainable Mentally Handicapped (TMH), and Specific Learning Disabilities (SLD) added to definition of exceptional student
Special services redefined
Thirteen consecutive years of instruction, beginning with kindergarten, required by 1973
Exceptional children incorporated into many laws
ESE program permitted for students as young as 3 years old
Districts authorized to cooperate with adjoining districts and contract with non-public schools
- 1971 Health and Rehabilitative Services (HRS) required to establish education programs
Married and pregnant students provided an education
- 1972 Florida Instructional Materials Center for the Visually Handicapped (FIMCVH) authorized
Florida Learning Resources System (FLRS) established through a federal grant
- 1973 Florida Education Finance Program (FEFP) became effective in 1973–74 school year
Changed from unit concept to full-time equivalent (FTE) concept
Changed wording from “children” to “student”
Programs for certain “handicapped students” below age 3 became available
- 1974 Part-time category changed from 7 to 12 hours
Profoundly retarded category to be phased in over 4 years
Sixteen Regional Diagnostic Resource Centers (RDRC) authorized
- 1975 Gifted programs mandated
Number of Regional Diagnostic Resources Centers increased to 18
Maximum expenditures for contracting set (Scavella vs. Dade County)
Federal Education of All Handicapped Children Act enacted
- 1976 Multidistrict facilities funded (3 years @ \$9,000,000/year)
- 1977 Due process and debate on federal funds
State Plan questioned on general supervision
State Plan questioned on supervision of other agencies
House subcommittee issues (Should Florida accept PL 94-142 funds?)
Profoundly handicapped programs mandated



- 1978 Maximum case load established by law
 Combined FLRS and RDRC to create the Florida Diagnostic and Learning Resources System (FDLRS)
 Provisions for assessment and special diploma modified
 Special funds designated for visually handicapped FIMCVH services extended to SLD and Physically Handicapped
 Socially maladjusted category deleted from ESE
 FTE cap placed on part-time SLD
 Instructional Materials Center captioned films
 Federal Education for All Handicapped Children Act amended to provide funding for children ages 3-5



- 1979 Double Basic Program established
 School districts responsible for education in HRS residential care facilities (exceptions: Okeechobee and Jackson)

For more information about changes through 1979, read *State Policy for the Education of Exceptional Students in Florida* by Dr. Wendy Cullar, Doctoral Dissertation, University of Florida, 1981.

- 1980 Competency in ESE for teaching certificate required
- 1981 Challenge Grant Program for gifted created
 Educational centers for gifted authorized
 "Severely Emotionally Disturbed Network" authorized; later renamed Multiagency Network for Students with Emotional Disabilities (SEDNET)
 FEFP Cost Factor Study authorized
 Access to public buildings for physically handicapped mandated
- 1982 Revised definitions: "retarded" to "handicapped," "crippled" to "physically handicapped," etc.
 Program for Hearing Impaired Infants established
 Profoundly handicapped category authorized
 Pilot program for children with disabilities below age 3 established
- 1983 Florida Council for Hearing Impaired established
 Group cap created for FTE generated by ESE, vocational, and alternative programs as a group
 Governors Council for Handicapped Concerns created
- 1984 Profoundly Handicapped supplement established
 Contractual arrangements with non-public schools authorized
 Cost categories for speech and deaf revised
- 1985 Telephone connection service added to Florida Council for Hearing Impaired
- 1986 Postsecondary exemptions established for certain exceptional students
 \$1,000,000 authorized for pre-k facilities for handicapped
 Review of Florida Council for Hearing Impaired conducted
- 1987 FDLRS responsibilities expanded to include technology
- 1989 Double basic program revised
 Post-school reporting revised
 Definition of at-risk students revised
 Prekindergarten handicapped programs mandated
 Adult education cost factor for handicapped established
 Graduation rate calculation revised to include special diploma and certificate of completion
 Adjustment for special class in home and hospital setting
 Revised grouping of caps
 First Start program established

- 1990 Occupational therapy aides authorized
Districts to provide information about FSDB
Mental health impairments included in special hospital and homebound funding
Speech pathology and audiology licensing shifted from the Department of Education (DOE) to the Department of Professional Regulation
Participation in early intervention programs for preschool children with handicaps authorized
Federal Individuals with Disabilities Education Act created (as an amendment to the Education of All Handicapped Children Act)
- 1991 School day for prekindergarten defined
Definitions of exceptional and related services revised
Profoundly handicapped included as eligible for special diploma
Florida Council for Hearing Impaired revised
SEDNET advisory board reauthorized with revisions
Telecommunication changed from Florida Council for Hearing Impaired to Public Service Commission
- 1992 ESE definition revised
Programs of emphasis included in huge block funding
- 1993 Special Olympics license plate authorized
Centers for Autism and Related Disabilities (CARD) established
State enforcement of accessibility requirements mandated
- 1994 Juvenile Justice Education Programs established
Terminology to comply with federal definition
HRS involvement in hearing programs
- 1995 Public record initiatives
Early Intervention Program revised to include disabled
Prader-Willie syndrome added to definition of developmental disability
Florida Developmental Disabilities Council transferred from HRS to nonprofit corporation
Access to Medicare funds maximized
Prekindergarten class size vetoed
- 1996 Autism centers transferred from Developmental Disabilities Services to Public Education
Fifth CARD site authorized
ESE program review and 15 percent enrollment cap established



- 1997
 - Local and state governance issues debated
 - Charter schools established
 - Revised funding model (Matrix of Services) implemented statewide
 - School Medicaid Match implemented
 - Federal Individual with Disabilities Education Act (IDEA) amended
- 1998
 - Revised funding model required
 - Class size study authorized
 - Advanced placement funding authorized
 - Mental health treatment and services authorized
 - ESE supplemental funding established
 - ESE eligibility categories reduced to 11
- 2000
 - Study on children with developmental delays authorized
 - Statutes related to non-public school contract reimbursement deleted
 - DOE reorganization authorized
 - School Readiness Program established
 - Blind Babies Program established
 - Expenditure requirement for ESE increased to 90 percent
 - Guaranteed allocation established
 - Scholarship program for students with disabilities piloted
 - Screening for visually impaired required
 - Matrix of Services required only for level 254 and 255
- 2001
 - John M. McKay Scholarship for Students with Disabilities Program established
- 2002
 - Home rule districts allowed to establish Council on Children's Services
 - Vocational Rehabilitation transferred to DOE
 - Revision of school code completed
 - Federal No Child Left Behind Act (NCLB) signed into law
- 2003
 - Florida Comprehensive Assessment Test (FCAT) waiver for students with disabilities for whom it is determined that FCAT cannot accurately measure student's ability allowed
 - American Sign Language (ASL) courses required to be accepted as foreign language credit for high school graduation
- 2004
 - Reauthorization of IDEA 2004
 - Florida's Part B State Performance Plan for 2005–2010 (20 indicators) required
 - Annual audits of accounts/records of FSDB required
 - FSDB required to comply with all laws and rules applicable to state agencies
- 2005
 - Districts prohibited from requiring a student to be prescribed or administered psychotropic medication as a condition of receiving educational services
 - Self-administration of emergency medication for students with life-threatening allergies authorized
 - Task force to recommend paperwork reduction strategies created
 - Seventh CARD site authorized



- 2006
- School start dates required to be no earlier than 14 days before Labor Day
 - Development of an electronic statewide individual educational plan (IEP) system required
 - FSDB authorized to expand outreach services for children with sensory impairments, birth through 5, upon request of school district
 - Development of an alternate assessment tool to measure skills and competencies in the Sunshine State Standards for students with disabilities required
 - Middle school promotion requirements revised to include completion of a personalized academic and career plan for students during 7th or 8th grade
 - Non-Florida resident ESE students prohibited from being reported for FTE funding
 - Eligibility for John M. McKay Scholarships for Students with Disabilities Program revised to require on-site direct contact hours with teachers
 - Guaranteed allocations funding for high school gifted students leveled
 - Office of Program Policy Analysis and Government Accountability directed to study Gifted program
 - Doctoral degree required for licensure as audiologist
 - Interagency Services Committee for Youth and Young Adults with Disabilities created
 - Federal National Instructional Materials Accessibility Standards published
- 2007
- Road to Independence Program opened to students in foster care system who finish school before they age out of foster care
 - Florida Alternate Assessment field-tested
 - Portal to Exceptional Education Resources (PEER), statewide electronic IEP, available to districts
 - Governor's Commission on Disabilities created
 - Sunshine State Standards adopted for reading and language arts include access points for students with disabilities
 - Children and Youth Cabinet created



- 2008
- Federal Higher Education Opportunity Act amended
 - Expanded eligibility for Pell Grants and other need-based aid for students with intellectual disabilities to pursue postsecondary education
 - Created new program to expand the number of postsecondary programs for students with intellectual disabilities
 - Disability History and Awareness Instruction Weeks established as the first two weeks in October
 - Annual review of high school students' personal education plan (ePEP) required
 - Terminology related to students with disabilities updated
 - "Emotional or behavioral disabilities" replaced "emotionally handicapped"
 - "Serious emotional disturbance" removed as a separate program
 - "Intellectual disabilities" replaced "mentally handicapped" and "mental retardation"
 - "Autism spectrum disorder" replaced "autism" and "autistic"
 - "Students with disabilities" replaced "students with handicapping conditions"
 - Window of Opportunity Act directed the Department of Insurance to negotiate a compact for insurance coverage and access for services for persons with developmental disabilities
 - Steve A. Geller Autism Coverage Act created to cover diagnostic screening, interventions, and treatment as prescribed by treating physician for children with autism spectrum disorders
 - K-20 education performance accountability system to comply with IDEA
 - Florida Alternate Assessment (reading, language, math, and science) administered statewide
 - Health Care Transition Services Task Force for Young Adults with Disabilities created
 - Governor's Task Force on Autism Spectrum Disorders created
 - Jeffery Johnson Stand Up for All Students Act created to prohibit bullying and harassment of students
 - Final regulations for No Child Left Behind published
 - Florida entered into coordinating agreement with National Instructional Materials Accessibility Center
 - Florida has a representative on the President's Committee for People with Intellectual Disabilities
 - Barack Obama was elected the 44th President of the United States of America on November 4, 2008. The Obama-Biden platform included civil rights, disabilities, education, family, health care, poverty, and technology.
- 2009
- President Obama's Agenda from the White House continues to include civil rights, disabilities, education, family, health care, poverty, and technology among its top twenty topics
 - American Recovery and Reinvestment Act (ARRA) of 2009 to provide a stimulus to the nation's economy, greatly benefiting education





Florida Department of Education
Dr. Eric J. Smith, Commissioner
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