

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



Florida Department of Education
Dr. Eric J. Smith, Commissioner
ESE 312980

- 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



- 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' epersonal 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) or 2009 to provide a stimulus to the nation’s economy, greatly benefiting education



- 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



- 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

