

# FLORIDA DEPARTMENT OF EDUCATION



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## MEMORANDUM

**TO:** District Superintendents  
Assistant Superintendents for Instruction  
School Principals  
Exceptional Student Education Administrators

**FROM:** Dr. Eric J. Smith

**DATE:** July 16, 2008

**SUBJECT:** **Governor Crist Signs House Bill 1313**

### **Contact Information:**

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**K12: 2008-109**

The Florida Legislature passed House Bill 1313 during the 2008 legislative session revising terminology that is used to reference specific disabilities. This bill was signed into law on June 17, 2008, and the revisions became effective on July 1, 2008. A summary of the key provisions of the bill follows.

### **Statutes Impacted**

The bill amends the following sections of school code in order to update terminology that references specific disabilities. Those sections include:

- Section 1002.33(10)(f), Florida Statutes (F.S.), Charter Schools
- Section 1002.39(1), F.S., The John M. McKay Scholarships for Students with Disabilities Program
- Section 1003.01(3)(a), F.S., Definitions
- Section 1003.21(1)(e), F.S., School Attendance
- Section 1003.438, F.S., Special high school graduation requirements for certain exceptional students
- Section 1007.02(2), F.S., Access to postsecondary education and meaningful careers for students with disabilities
- Section 1007.264, F.S., Persons with disabilities
- Section 1007.265, F.S., Persons with disabilities

### **Effect of Legislation Related to Use of Terminology**

The bill replaces existing terminology with current language more commonly used in the field of special education. Across all applicable sections of the statutes noted above, the following changes were made:

- Emotionally handicapped or emotional handicaps is replaced with the term “emotional or behavioral disabilities”
- A reference to “serious emotional disturbance” is removed from Section 1002.39, F.S., as this is no longer considered a separate program
- Mentally handicapped or mental retardation is replaced with the term “intellectual disabilities”
- Physically impaired is replaced with references to the specific impairments included – orthopedic impairment, other health impairment, and traumatic brain injury
- Autism or autistic is replaced with the term “autism spectrum disorder”

Additional changes include ensuring the term “disability” is used rather than “handicapped,” replacing references to “profoundly handicapped” with references to autism spectrum disorder and dual sensory impaired as applicable, and using people first language (e.g. revised “disabled persons” to “persons with disabilities”).

### **Additional Provisions**

While the primary intent of the bill was to amend terminology referencing students with disabilities as noted above, the bill also amends Section 1004.55, F.S., entitled “Regional autism centers.” Specifically, the bill repeals language prohibiting direct medical intervention or pharmaceutical intervention that was to become effective on July 1, 2008.

The Bureau of Exceptional Education and Student Services will be providing follow-up technical assistance and will revise applicable State Board of Education rules to ensure that there is consistency with the newly revised statutory language.

We appreciate your continued efforts on behalf of students with disabilities and their families.

EJS/cbd