

***Exceptional Student Education
Policies and Procedures
(SP&P)***

**Effective Dates:
2013-2014 through 2015-2016**



**Miami-Dade County Public Schools
Division of Exceptional Student Education**

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FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Miami-Dade

**EXCEPTIONAL STUDENT EDUCATION
POLICIES AND PROCEDURES (SP&P)**

EFFECTIVE DATE:

2013-2014 through 2015-2016 school years

SIGNATURE PAGE

School District: Miami-Dade

Administrator of Exceptional Student Education: Ava Goldman

This document is effective for the 2013-2014 through 2015-2016 school years.

CERTIFICATION OF APPROVAL

I, Alberto M. Carvalho, do hereby certify that each of the statements below are true:



1/24/14

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency

Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's Exceptional Student Education (ESE) Policies and Procedures (SP&P) document was approved by the governing body for submission to the Florida Department of Education (FDOE) on the date indicated.

The contents of this document that were prepared by the FDOE have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the FDOE with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

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Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A: Legal Requirements

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations (CFR) §300.641
 Sections 1003.57, 1003.571, and 1003.573, Florida Statutes (F.S.)
 Rules 6A-6.03411 and 69A-58.0084, Florida Administrative Code (F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., *Use of restraint and seclusion on students with disabilities*, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

One of the following **must** be selected:

- The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- This section is not applicable for the district.

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
 - Names of personnel trained
 - Description of training received
 - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards**Schools shall:**

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
 - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.
 - Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
 - Obtaining the parent's signed acknowledgement of receipt of the notification.
 - Maintaining the documentation of the parent's signed acknowledgement of notice.
- Follow procedures for written incident reporting, including, but not limited to:
 - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three (3) school days of any incident of restraint or seclusion.
 - Obtaining the parent's signed acknowledgement of receipt of the incident report.
 - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two (2) attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

District Policies

1. Physical restraint – One of the following must be selected:

- In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of physical restraint. This policy is included in Appendix D.
- This SP&P document is the district's only written policy regarding the **allowable use or prohibition** of physical restraint.

2. Seclusion – One of the following must be selected:

- In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of seclusion. This policy is included in Appendix D.
- This SP&P document is the district's only written policy regarding the **allowable use or prohibition** of seclusion.

Assurances

1. School personnel will **not** use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will **not** close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within twenty-four (24) hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three (3) school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two (2) attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
 - a. The name of the student restrained or secluded
 - b. The age, grade, ethnicity, and disability of the student restrained or secluded
 - c. The date and time of the event, and the duration of the restraint or seclusion
 - d. The location at which the restraint or seclusion occurred
 - e. A description of the type of restraint used in terms established by the FDOE
 - f. The name of the person(s) using or assisting in the restraint or seclusion of the student
 - g. The name of any nonstudent who was present to witness the restraint or seclusion
 - h. A description of the incident, including the following:
 1. The context in which the restraint or seclusion occurred
 2. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
 3. The specific positive behavioral strategies used to prevent and deescalate the behavior
 4. What occurred with the student immediately after the termination of the restraint or seclusion
 5. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
 6. Evidence of steps taken to notify the student's parent or guardian

6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

Describe how parents are provided written notice on the day the restraint or seclusion occurred.

Written notification will be provided to the parents on the day the restraint or seclusion occurs. The person initiating the restraint or seclusion is responsible for preparing the written notice. The principal or principal's designee will contact the parent by phone, email or in person on the day of the restraint or seclusion. Written notification will be provided to the parent at pick up, by email, or will be sent home with the student.

Specify personnel (by role or title) responsible for preparing the written notice.

The staff member initiating the restraint or seclusion will prepare the written notice. Staff initiating a restraint or seclusion may be any of the following:

teachers
 paraprofessionals
 student services staff (counselors, psychologists, social workers, art therapists)
 principals
 assistant principals

The principal or principal's designee must review the notice before it is sent to the parent.

Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

Notify the parent by telephone and/or email each time Safe Crisis Management (SCM) is utilized BEFORE the end of the school day. If the parent cannot be reached, call an authorized contact listed on the student's Emergency Contact Card.

Complete and send the Notification of the Use of Physical Restraint/Notification of the Use of Seclusion to the parent. The Notification of the Use of Physical Restraint/The Notification of the Use of Seclusion may be hand delivered, emailed or sent home via US Mail.

Reasonable efforts to contact the parent by telephone, email or both must be documented on the notification form.

Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

A signed Notification of the Use of Physical Restraint/Notification of the Use of Seclusion must be obtained from the parent and faxed to the SPED Electronic Management System (EMS) system. Otherwise, attempts to retrieve a signed Notification of the Use of Physical Restraint/Notification of the Use of Seclusion must be documented.

If the parent does not return the signed Notification of the Use of Physical Restraint/Notification of the Use of Seclusion, the school must maintain a log documenting a minimum of two (2) attempts to retrieve the signed Notification of the Use of Physical Restraint/Notification of the Use of Seclusion.

2. Describe the district's procedures for providing parents with a copy of the **incident report within three (3) school days** of the incident.

Specify personnel (by role or title) responsible for preparing the incident report.

The staff member initiating the restraint or seclusion will prepare the FLDOE Incident Report Form. Staff initiating a restraint or seclusion may be any of the following:

teachers
 paraprofessionals
 student services staff (counselors, psychologists, social workers, art therapists)
 principals
 assistant principals

The principal or principal's designee must review the notice before it is sent to the parent.

A designated District staff person is responsible for the development of incident reports submitted by staff working with students placed in residential settings. Even though the District does not use Mechanical and Prone restraints, incident reports written for contracted residential settings may include these types of restraints.

Describe how the parents are provided a copy of the incident report within three (3) school days of the incident.

Within twenty-four (24) hours of the implementation of SCM, the person who initiated the restraint or seclusion must complete the FLDOE Incident Report Form. If the SCM occurs on a day before school closes for the weekend or holiday, the FLDOE Incident Report Form must be completed by the end of the day that school re-opens.

A DRAFT of the FLDOE Incident Report Form must be completed by the designated FLDOE Physical Restraint/Seclusion School-Level User on the FLDOE web-based reporting system within 24 – 48 hours of the use of physical restraint/seclusion.

The DRAFT FLDOE Incident Report Form will be reviewed by a FLDOE Physical Restraint/Seclusion District-Level User.

Following review of the FLDOE Incident Report Form from the District, the designated FLDOE Physical Restraint/Seclusion School-Level User will proceed with finalization into the FLDOE web-based reporting system.

When finalized, a copy of the FLDOE Incident Report Form will be sent to the parent for signature via certified mail within 3 school days from the time of the physical restraint/seclusion incident.

Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A signed FLDOE Incident Report Form must be obtained from the parent and faxed to the SPED EMS System. Otherwise, attempts to retrieve a signed FLDOE Incident Report Form must be documented.

PROCEDURE IN SPED EMS TO DOCUMENT: If the parent does not return the signed FLDOE Incident Report Form, the school must maintain a log documenting a minimum of two attempts to retrieve the signed document.

Principals are responsible for ensuring that school personnel adhere to all required timelines.

3. Describe the district's **review of data** and reporting procedures.

Specify personnel (by role or title) responsible for collecting **data in the web-based reporting system within the school, and to whom it is reported at the school and district level.** (e.g., principal, ESE director, superintendent).

The District SPED administrator identified by the District Director of Exceptional Student Education is responsible for oversight of the monitoring at the District level. The District SPED administrator identified by the District Director of Exceptional Student Education reviews each restraint and seclusion incident report placed on the FLDOE Restraint and Seclusion Database monthly. Principals receive assistance from the District when questions arise from reviewing the data on the notification and reporting of restraint and seclusion incidences. Principals will receive an email from the District SPED supervisor if their school has reported student(s) with three or more restraints at the same location. Region SPED supervisors will receive a copy of these emails. The email will give principals the following procedures: (a) staff working with this student should revise the Behavior Intervention Plan (BIP) if behaviors have increased or decreased; (b) staff must use positive behavioral interventions and strategies consistently with this student; and, (c) staff working with this student must implement the BIP and monitor the utilization of behavior intervention strategies listed on the BIP. The District SPED administrator identified by the District Director of Exceptional Student Education will monitor data on a monthly basis.

Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

Incident reports are input into SPED EMS by staff initiating a physical restraint or the use of seclusion. These same reports are then input into FLDOE Restraint and Seclusion Web Database by School Level Users. Incident Reports from FLDOE Restraint and Seclusion Web Database are created into an Excel database monthly by a District SPED supervisor or designee. This database is reviewed monthly by a District SPED supervisor and is shared with the District Director of Exceptional Student Education and other District and region special education administrators.

4. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the classroom, building, and district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

The staff responsible for preparing the incident report are the school users identified in the FLDOE Restraint and Seclusion Database. School users include the principal and other school staff identified by the principal to be school users. The incident report will be provided to the parents by mail within three (3) school days of the restraint or seclusion. A copy of the incident report prepared to send to the parent will be maintained in the FLDOE Restraint and Seclusion Web Database. When returned, a copy of the incident report signed by the parent will be maintained in the student's cumulative file. If the parent does not return the signed incident report within three (3) days, the school will contact the parent by phone, email or in person to request that the signed incident report be returned to the school. School personnel should document efforts to contact parents if the signed incident report has not been returned to the school. A minimum of two (2) attempts should be made to contact parents. Documentation attempts should be submitted to school principal or staff designated by the school principal. Documentation should be kept in a binder in the school administrator's office.

Classrooms will complete a SCM Log for each use of physical restraint and complete a Seclusion Log for each use of seclusion. These logs will be submitted to the principal weekly and maintained in a designated location at the school. Personnel trained to use SCM are responsible for completing SCM Logs each time physical restraint is used. The person escorting the student to the Seclusion Room is responsible for completing the Seclusion Log each time seclusion occurs. Restraint and seclusion logs will be reviewed by classroom staff and any other staff, designated by the school administrator, to problem-solve the use of strategies and interventions to plan how to avoid the use of restraint and seclusion on an ongoing basis. Teachers and additional staff may need to review and revise, if needed, the student's Individual Educational Plan (IEP) and BIP if incidents of restraints and seclusions increase. If the recurrent use of seclusion and/or restraint with more than one student in the classroom occurs, then the classroom structure (the curriculum, instructional strategies, physical layout, and behavior management system) needs to be reviewed.

The principal of the school building is responsible for oversight of the monitoring process of the use of restraint and seclusion at the school building level. The principal or staff identified by the principal to be School Level Users is required to review the FLDOE Restraint and Seclusion Web Database monthly. Incident Reports from FLDOE Restraint and Seclusion Web Database are created into an excel database monthly by the principal or a School Level User. This database is reviewed monthly by the principal and other administrators and is shared with the Special Education Department within the school. The SCM Log and Seclusion Log for each use of restraint or seclusion is required to be reviewed by the principal or a designee administrator weekly.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the classroom, building, and district level.

The District SPED administrator identified by the District Director of Exceptional Student Education is responsible for oversight of the monitoring at the District level. All administrators receive procedural information and training on the use of restraint and seclusion. Incident reports are reported via the FLDOE Restraint and Seclusion Database within 24 hours of the restraint or seclusion. The District SPED administrator identified by the District Director of Exceptional Student Education reviews each restraint and seclusion incident report placed on the FLDOE Restraint and Seclusion Database monthly. Principals receive assistance from the District when questions arise from reviewing the data on the notification and reporting of restraint and seclusion incidences. Principals will receive an email from the District SPED supervisor if their school has reported student(s) with three or more restraints at the same location. Region SPED supervisors will all receive a copy of these emails. The email will give principals the following procedures: (a) staff working with this student should revise the BIP if behaviors have increased or decreased; (b) staff must use positive behavioral interventions and strategies consistently with this student; and, (c) staff working with this student must implement the BIP and monitor the utilization of behavior intervention strategies listed on the BIP. The District SPED administrator identified by the District Director of Exceptional Student Education will monitor data on a monthly basis.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Principals and principal designees will analyze the logs and the Excel database monthly. Analysis of the logs and the Excel database should include: (a) the frequency, duration, and location of restraint and seclusion procedures; (b) staff involved in the use of restraint and seclusion procedures; (c) appropriate use of restraint and seclusion procedures; and, (d) proper documentation of the use of restraint and seclusion procedures and timely notification. After the analysis, the principal or a designee administrator will request, if needed, student IEPs and BIPs to be reviewed and classroom assistance will be given to teachers or other staff in need of additional support and training.

5. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings. (*Charter schools, DJJ facilities, and contracted residential facilities must be included.*)

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District's training program for restraint and seclusion is Safe Crisis Management (SCM). The training consists of: (a) promoting positive growth and behavior through a structured environment; (b) understanding students and their needs; (c) understanding behaviors of concern; (d) responding to and de-escalating behaviors of concern; (e) implementing emergency safety interventions and specific physical interventions from least restrictive to most restrictive; (f) conducting functional assessment and behavior intervention plans; (g) providing techniques for assisting the student to re-enter the instructional environment and re-engage in learning; (h) providing instruction in the documentation and reporting requirements as required by section 1003.573, F.S., and specified in District policies; (i) providing procedures to identify and deal with possible medical emergencies resulting from the use of restraint; and utilizing a written and physical technique assessment for each participant to complete to show proficiency of SCM concepts and physical restraint techniques. Individuals must pass initial training requirements to obtain SCM certification.

Describe how the district implements professional development on the selected training program(s).

The training is provided as a 3-day professional development. Each training has five trainers and a maximum of 50 participants. Training consists of lectures on training content and introducing physical restraint interventions. Participants are given a written pretest; time to practice physical restraint interventions individually and as a team; asked to develop a crisis plan for their school or program; given a written evaluation; and, a physical skill evaluation.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

Records are maintained for each participant that completes the 3-day SCM certification training. Records include names and ID numbers of participants trained, dates of the training, copies of participants' written and physical evaluations and a copy of the Participant's Training Guide.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Annual Refresher Trainings are available for all personnel trained to use SCM. These trainings are scheduled annually. Day one of the training is a review of physical restraint topics and lecture materials. Training materials are sent to participants for review. Day two is a face-to-face training to review physical restraint techniques.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

Participants for this training are selected by a survey completed by school administrators. The survey asks for the names of staff that come in contact with students who have physical restraint on their IEPs and BIPs. Once the survey has been sent to the District and reviewed, staff will be contacted and given the date, time and location of the training.

6. The district is required to have a plan for reducing the use of restraint and seclusion, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
- a. Additional training in positive behavioral support and crisis management
 - b. Parental involvement
 - c. Data review
 - d. Updates of students' functional behavioral assessments (FBAs) and positive behavioral intervention plans (PBIPs)
 - e. Additional student evaluations
 - f. Debriefing with staff
 - g. Use of schoolwide positive behavior support

h. Changes to the school environment

Describe baseline data (2012–2013 or more current) for rates and settings of **restraint** and for students who are restrained.

Physical Restraint Baseline Date: August, 2012 - June, 2013

Type
Restraint: 150

Exceptionality
E/BD: 135
ASD: 12
DD: 5
InD 2
SLD: 1

Setting
Elementary: 87
Middle: 8
K-8 Centers 8
Senior: 13
SPED Center: 40

The District does not use Prone and/or Mechanical Restraint.

A. The District's plan to reduce the use of restraint and seclusion includes training in positive behavioral supports and classroom management, the use of school-wide positive behavior support (PBS), and the use of a behavior curriculum to teach behaviors. Additional professional development training on SCM will also be planned. The District will also have additional personnel trained as SCM trainers.

B. The District has placed the FDOE Brochure for Documenting, Reporting and Monitoring the Use of Seclusion and Restraint on the District Special Education Website. Administrators will share the brochure with parents.

C. Physical restraint data is monitored and shared monthly with the regions. The regions are to share District restraint data monthly with schools. The District provides assistance to schools with multiple uses of physical restraints.

D. Training is given to administrators and staff on the understanding of the Functional Assessment of Behavior (FAB) process; the procedures for developing, implementing and monitoring the BIP; and coordination of the FAB and BIP process in a school setting. School-wide PBS training is given to interested schools or schools required to implement. Training is given to teachers on positive behavioral supports and classroom management. Priority is given to teachers that work in programs for students with emotional/behavioral disabilities and teachers from schools implementing School-wide Positive Behavior Support. Schools are asked to teach behaviors as a part of Response to Intervention for Behavior (RtIB) by using a behavior curriculum (LEAPS) or Bullying Curriculum and, in addition, institute crisis intervention procedures.

E. No additional evaluations at this time. Principals should also ensure students' restraint and seclusion information is given to their Problem-Solving/Student Support Team to assist in the development of additional supports and services needed for these students.

F. Problem solve with school administrators to make data-driven decisions regarding school environments. Principals receive assistance from the District when questions arise about notification and reporting restraint and seclusion incidences. Principals are given the following procedures by District staff: (a) review and revise BIPs of students if behaviors have increased or decreased; (b) ensure staff working with students who have received restraint and seclusion incidents are using positive behavioral interventions and strategies consistently with students; and, (c) ensure staff working with students are implementing the BIP and monitoring the utilization of behavior intervention strategies listed on the BIP.

G. School-wide PBS training is given to interested schools or schools required to implement. PBS schools use LEAPS as a behavior curriculum and the FDOE RtIB Statewide Data Base System.

H. To change the school environment, the District has revised the Code of Student Conduct and added RtIB language and positive behavioral supports and intervention strategies. All school site administrators are required to develop a School-Based Alternative to Suspension Plan. The plan must discuss school-wide intervention strategies to reduce disruptive behavior and suspensions, embrace the diverse needs of school's students and community, and support a positive school culture. Plan consists of:

- a. alternatives to suspensions
- b. faculty and staff involvement
- c. student involvement
- d. parental involvement
- e. community involvement

Does the district prohibit the use of restraint?

Yes

No

If not, specify the district's measurable annual goal for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The District will reduce the use of restraint by 3% from baseline data for the 2012-2013 school year.

Does the district have a policy in place that prohibits the use of prone restraint?

Yes

No

If not, describe how and when prone restraint is being used.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

Does the district have a policy in place that prohibits the use of mechanical restraint?

Yes

No

If not, describe what mechanical restraints are being used and how they are being used.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

Describe the data reviewed and the problem-solving process used to develop the district's plan to reduce the use of restraint, particularly in settings in which it occurs frequently or with students who are restrained repeatedly.

District SPED supervisor and staff discuss and review physical restraint data monthly. A breakdown of the data includes the following:

1. Number of restraints
2. Number of seclusions
3. Data by exceptionality
4. Data by gender
5. Data by grade
6. Data by setting
7. Data by race and ethnicity
8. Data by school
9. Data by student's name

Data of students who are restrained repeatedly and schools with multiple restraints are analyzed. A plan for assisting schools where this is common is discussed and developed. Follow-up and status reports of school assistance are also discussed.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen multi-tiered systems of support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe activities that are a part of the district's plan to reduce the use of **restraint**.

1. Schools are required to review IEPs, BIPs, and 504 plans to ensure students are responding to interventions and are making progress. Principals are given the following procedures by District staff: (a) review and revise IEPs, BIPs or 504 plans of students if behaviors have increased or decreased; (b) ensure staff working with students who have received restraint incidents are using positive behavioral interventions and strategies consistently with students; and, (c) ensure staff working with students are implementing IEPs, BIPs, or 504 plans and monitoring the utilization of behavior intervention strategies listed on these documents.
2. The District has placed the FLDOE Brochure for Documenting, Reporting and Monitoring the Use of Seclusion and Restraint on the District Special Education Website. Administrators will share the brochure with parents.
3. School-wide PBS training is given to interested schools or schools required to implement. Training is given to teachers on positive behavioral supports and classroom management. Priority is given to teachers that work in programs for students with emotional/behavioral disabilities and teachers from schools implementing School-wide Positive Behavior Support (SWPBS). Schools are asked to teach behaviors as a part of Response to Intervention for Behavior (RtIB) by using a behavior curriculum (LEAPS) or Bullying Curriculum and, in addition, institute crisis intervention procedures. The RtIB Statewide Database is also used by schools implementing SWPBS.
4. The District's plan to reduce the use of restraint includes training in positive behavioral supports and classroom management, the use of school-wide positive behavior support (PBS), and the use of a behavior curriculum to teach behaviors. Additional professional development training on Safe Crisis Management (SCM) will also be planned. The District will also have additional personnel be trained as SCM trainers.
5. Problem solve with school administrators to make data-driven decisions regarding school environments. Principals receive assistance from the District when questions arise about notification and reporting restraint incidences.

Describe baseline data (2012–2013 or more current) for rates and settings of **seclusion** and for students who are secluded.

Does the district prohibit the use of seclusion?

Yes

No

If not, specify the district's measurable annual goal for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

Seclusion Baseline Date: August, 2012 - June, 2013

Type
Seclusion: 8

The District will reduce the use of seclusion by 60% from baseline data for the 2012-2013 school year.

Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

The District coordinates the inspection conducted by the fire marshal.

How is the safety of the seclusion rooms monitored?

Prior to a student being placed in a secured seclusion room, all jewelry, belts and shoes should be removed and pockets searched for items that could be used for self harm. While in a secured seclusion room, a student must be continually observed and this must be documented in 10 minute intervals. Secured seclusion must not be used for a pre-determined length of time, but rather to assist the student in regaining "self control" in addition to being responsive to verbal directions and showing the ability to leave the secured seclusion room. Seclusion rooms are inspected after each use by school site administrators.

How are the results of the inspection reported to the district?

A report would be sent to the District and then shared with the school site administrator.

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

If a report is received from the fire marshal indicating that a violation has been found, a District ESE supervisor and a school administrator will make necessary revisions to ensure that the violation is rectified.

Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

Seven (7)

Where are the schools in which the seclusion rooms are located?

Robert Renick Educational Center
Ruth Owens Kruse Educational Center

When are the seclusion rooms used?

Seclusion is an emergency intervention sometimes used when students are exhibiting disruptive or dangerous behavior. Secured seclusion is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists. Secured seclusion should only be used after other less restrictive interventions have been unsuccessful. These less restrictive interventions must be documented.

How are the seclusion rooms used?

Schools are required to obtain annual parental consent for secured seclusion. This consent must be documented and kept on file in the student's folder in SPED EMS.

Describe the data reviewed and the problem-solving process used to develop the district's plan to reduce the use of seclusion, particularly in settings in which it occurs frequently or with students who are secluded repeatedly.

The District's plan to reduce the use of seclusion includes training in positive behavioral supports and classroom management, the use of PBS, and the use of a behavior curriculum to teach behaviors. Additional professional development training on SCM will also be planned. The District will also have additional personnel trained as SCM trainers.

Problem solve with school administrators to make data-driven decisions regarding school environments. Principals receive assistance from the District when questions arise about notification and reporting restraint incidences.

Principals and principal designees will analyze the logs and the Excel database monthly. Analysis of the logs and the Excel database should include: (a) the frequency, duration, and location of restraint and seclusion procedures; (b) staff involved in the use of restraint and seclusion procedures; (c) appropriate use of restraint and seclusion procedures; and, (d) proper documentation of the use of restraint and seclusion procedures and timely notification. After the analysis, the principal or a designee administrator will request, if needed, student IEPs and BIPs to be reviewed and classroom assistance given to teachers or other staff in need of additional support and training.

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe activities that are a part of the district's plan to reduce the use of **seclusion**.

1. Schools are required to review IEPs, BIPs, and 504 plans to ensure students are responding to interventions and are making progress. Principals are given the following procedures by District staff: (a) review and revise IEPs, BIPs or 504 plans of students if behaviors have increased or decreased; (b) ensure staff working with students who have received seclusion incidents are using positive behavioral interventions and strategies consistently with students; and, (c) ensure staff working with students are implementing IEPs, BIPs, or 504 plans and monitoring the utilization of behavior intervention strategies listed on these documents.

2. The District has placed the FDOE Brochure for Documenting, Reporting and Monitoring the Use of Seclusion and Restraint on the District Special Education Website. Administrators will share the brochure with parents.

3. School-wide PBS training is given to interested schools or schools required to implement. Training is given to teachers on positive behavioral supports and classroom management. Priority is given to teachers that work in programs for students with emotional/behavioral disabilities and teachers from schools implementing School-wide Positive Behavior Support. Schools are asked to teach behaviors as a part of RtIB by using a behavior curriculum (LEAPS) or Bullying Curriculum and, in addition, institute crisis intervention procedures. The RtIB Statewide Database is also used by schools implementing SWPBS.

4. The District's plan to reduce the use of seclusion includes training in positive behavioral supports and classroom management, the use of school-wide PBS, and the use of a behavior curriculum to teach behaviors. Additional professional development training on SCM will also be planned. The District will also have additional personnel trained as SCM trainers.

5. Problem solve with school administrators to make data-driven decisions regarding school environments.

Principals receive assistance from the District when questions arise about notification and reporting seclusion incidences.

Part I. General Policies and Procedures

Section B: Assurances

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three (3) through twenty-one (21), using the kind and number of facilities, personnel, and services necessary to meet this goal. A free appropriate public education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with section 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's individual educational plan (IEP) team.

Ages of Students Served - One of the following **must** be selected.

For students with disabilities who have not graduated with a standard diploma, the district will:

- Provide services until the day the student turns twenty-two (22)
- Provide services until the end of the semester in which the student turns twenty-two (22)
- Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two (2), in collaboration with Local Early Steps:

One of the following **must** be selected:

- Yes
- No

Note: Districts may provide FAPE to a child who will turn three (3) during the school year. If this is the only circumstance for which the district would provide services to a child who is two (2) years of age, **no** should be checked.

Parental Input and Meetings

In accordance with section 1002.20 (21) (a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, parents from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

- Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student and the transition services needed to reach those goals; and other issues that may affect a student's educational environment, discipline, or placement.
- The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., is created to read:

- As used in this section, the term "private instructional personnel" means:

- a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098.
 - b. Speech-language pathologists licensed under s. 468.1185.
 - c. Occupational therapists licensed under part III of chapter 468.
 - d. Physical therapists licensed under chapter 486.
 - e. Psychologists licensed under chapter 490.
 - f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
 3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
 - a. The student's public instructional personnel and principal consent to the time and place.
 - b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321.
 4. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

1. The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A 6.0311, F.A.C., includes but is not limited to:
 - a. Designating responsibilities for the implementation of district procedures
 - b. Providing transportation
 - c. Providing program and staff supervision
 - d. Funding programs
 - e. Dissolving the agreement
2. Written agreements are on file for the provision of special education and related services **to this district's** exceptional students through multi-district programs.

Yes

No

If **yes**, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

3. Written agreements are on file for the provision of special education and related services to exceptional students **from other districts** through multi-district programs.

Yes

No

If **yes**, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

4. Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

Yes

No

If **yes**, include the name of each agency and the instructional personnel assigned for each facility.

Instructional Personnel Assigned - M-DCPS provides teachers to these programs.
 Name of Agency:
 "Prescribed Pediatric Extended Care"
 "Accessing College and Community Environments in Preparation for Transition" (Project ACCEPT)
 "Building Recreational Independence and Developing Gateways to Employment" (Project BRIDGE)
 Project SEARCH (3 sites)
 "Vocational Instruction Community Training Opportunities for Youth" (Project VICTORY)
 Project Panther LIFE (Learning is for Everyone)(2 sites)

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Section 1003.52, F.S.
 Rule 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

- a. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
- b. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within ten (10) business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
- c. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through twenty-one (21) years old.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
 - a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
 - b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
 - c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP

- d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an individualized family support plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
 - a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
 - b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
 - c. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.
 - d. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two (2), under the contract.
 - e. Has written procedures for admission, dismissal, and separation of students, if appropriate.
 - f. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.
 - g. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.
 - h. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).
 - i. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:
 - a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.
 - b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

- c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.
- d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.
- e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.
- f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.
- g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.
- h. Identification of financial responsibility.
- i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
- j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.
- k. Provision for terminating the contract.
- l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three (3) through twenty-one (21)
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** on page 17.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

One of the following **must** be selected:

Yes

No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

The facility review process includes the review and documented evidence as applicable of the following:

Identification of the population served - age, sex, exceptionalities served, intellectual criteria, and any exclusionary criteria, if applicable; other admission criteria, and average length of stay.

Physical Plant - floor plans, inspections (health/sanitation/fire), licenses and the certificate of liability insurance. This includes the size of the property, description of educational facilities, description of residential facilities, if applicable; description of other facilities; accessibility for students with physical disabilities; provisions for non-ambulatory students; and library facilities.

Administrative policies, procedures and related issues are requested - Confidentiality of Student Records, Procedural Safeguards, Conflict Resolution, Admission and Dismissal/Separation Procedures, Emergency Procedures, Handling of Clinical/Administrative Records, Personnel Policies, Food Services, Staff Duties, Job Descriptions, Insurance Coverage, Compliance with Office for Civil

Rights requirements - nondiscrimination on matters related to race, sex, handicap and age, and Accreditations. (in contract)

Transportation Services – if applicable; type of transportation offered; lift bus or similar transportations arrangements for non-ambulatory students.

Educational Programming, Policies and Procedures - Philosophy/Curriculum, Support Services, Teacher Certification, in-service programs, professional licenses, staff credentials. (in contract)

The above include: number of school days in the instructional year; daily hours of instructional program; diagnostic and evaluative services provided by the facility; procedures for providing report cards and other progress reports to parents, number of teachers; teacher/student ratio; staff member by position who is responsible for supervision of educational program.

Other Information - progress reports on a quarterly basis and a summary evaluation prior to the end of the school year on every student; site visits by M-DCPS staff to review program and monitor student progress among other areas; attendance reports. (in contract)

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the **out-of-field notification requirements** of s. 1012.42, F.S.

Documentation of qualifications of personnel is requested annually, but accepted throughout the entire school year. This information is kept on file in the Instructional Systemwide/SPED Outreach office. Personnel who are not certified or considered out-of-field are informed in writing that they are out-of-field and the number of credits required for certification. Personnel must sign and date this notification document which is kept on file. Parents are provided with written notification informing them that their child's teacher is not certified or considered out-of-field and has been granted a waiver by the District.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

The Division of Exceptional Student Education maintains the original records of IEPs or IFSPs of students who are in residential placement at public expense. The Florida Department of Education, Bureau of Exceptional Education and Student Services, receives a copy of the IEPs or IFSPs on a yearly basis and the Florida Department of Education form, Report of Residential Contract Cost (ESE 085).

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) Associate Centers the responsibility for fully informing parents about the requirements of identifying,

locating, and evaluating students with disabilities in accordance with 34 CFR 300.111 and ss. 1006.03 and 1003.57, F.S.

2. The focus for FDLRS's child find activities is children birth to five (5) years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps Programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
 - a. In addition to these functions, FDLRS Centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) § 1232g, 34 CFR §§300.613–300.621, section 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
 - a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than thirty (30) days from the request. The parent has the right to:
 - A response from the district for reasonable explanation and interpretation of the records
 - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
 - Have a representative of the parent inspect and review the records
 - b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
 - c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
 - d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
 - e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
 - f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
 - a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
 - b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
 - c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.

- d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
- e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.
- f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

- a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.
- b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.
- c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

- a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.
- b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.
- c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.
- d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

- a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.
- b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

- a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR 99.7. Items to be included in the notice are:
 - The right to review and inspect the student's education records, including the procedures to exercise this right
 - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
 - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. FAPE

The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three (3) and twenty-two (22), including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of twenty-two (22); students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through grade 12.

8. Transition from Part C to Part B

Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, a new matrix will be completed. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit a local educational agency (LEA) to voluntarily use up to 15% of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through grade 12, with a particular emphasis on students in kindergarten through grade three (3);
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State educational agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15% of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the State.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §300.500–300.536
 Sections 1003.57 and 1002.22, F.S.
 Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

- Upon initial referral or the parent's request for an evaluation
- In accordance with the discipline procedures when a change of placement occurs
- Upon receipt of the first State complaint in a school year
- Upon the receipt of the first request for a due process hearing in a school year
- Upon the parent's request to receive a copy
- [In accordance with the provisions of ss. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration window be granted or denied.](#)

One of the following **must** be selected:

- The district will use the Department of Education's *Notice of Procedural Safeguards for Parents of Students with Disabilities*, as posted on the Department's website, **to inform the parents as required.**
- The district will use a different notice of procedural safeguards for parents of students with disabilities **to inform the parents as required.** A copy of this notice is located in **Appendix A.1**

2. Procedural safeguards for exceptional students who are gifted

The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

- Upon initial referral for evaluation
- Upon refusal of a parent's request to conduct an initial evaluation
- Upon notification of each educational plan meeting
- Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- The district will use the Department of Education's *Procedural Safeguards for Exceptional Students who are Gifted* , as posted on the Department's website **to inform the parents as required**.
- The district will use a different notice of procedural safeguards for parents of students who are gifted **to inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- This section is not applicable for the district.

Part I. General Policies and Procedures**Section C.2: Parental Revocation of Consent for Special Education and Related Services****Statutory and Regulatory Citations**

34 CFR §§300.9 and 300.300

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The student will not be eligible for a waiver from the Florida Comprehensive Assessment Test (FCAT or FCAT 2.0) or End of Course (EOC) Assessment graduation requirements as a student with a disability or for a special diploma.

Part I. General Policies and Procedures**Section C.3: Transfer of Parental Rights at Age of Majority****Statutory and Regulatory Citations**

34 CFR §300.520 and §300.320

Section 393.12, F.S.

Rules 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of eighteen (18), except for a student with a disability who has been determined incompetent under State law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth (18th) birthday, the district will inform the student of his or her rights under Part B of the IDEA, if any, that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age. The student's IEP will include a statement that the student has been informed of the rights, if any, that will transfer to the student at eighteen (18) years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of eighteen (18); this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth (18th) birthday.
4. For a student with a disability who has attained age eighteen (18) and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
 - a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
 - b. Be appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
 - c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
 - a. Must be at least 18 years old.
 - b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
 - c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
 - This prohibition includes group home staff and *therapeutic* foster parents.
 - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
 - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
 - d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
 - a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than thirty (30) days after the school district determines that the student needs a surrogate parent.
 - b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
 - c. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
 - d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.
 - The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.

- The court must accept a surrogate parent duly appointed by a district school superintendent.
 - e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.
 - f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.
 - g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.
 - If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
 - At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.
 - h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:
 - The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
 - The child achieves permanency through adoption or legal guardianship and is no longer in the custody of the department
 - The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
 - The appointed surrogate no longer wishes to represent the child or is unable to represent the child
 - The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
 - The child moves to a geographic location that is not reasonably accessible to the appointed surrogate
 - i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.
3. The person appointed as a surrogate parent:
- a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs
 - b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child
 - c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child
4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.
5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

This section is not applicable for the district.

Describe the district's procedures for determining when a student with a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The circumstances in which a surrogate parent may be needed for a student who has or is suspected of having a disability are: no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the District; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

The school designated LEA will review student records for indications of the potential need for a surrogate parent. The following are some indications that a student may require a surrogate parent and should lead school personnel to work with their region to make a determination. School registration form indicates that the student does not live with his or her legal parents; social service agency caseworker registers a student in school; the student information screen on Integrated Student Information System (ISIS) is flagged with a Department of Children and Families (DCF) agency code; and/or a review of the student's cumulative records results in the discovery of court documents that deal with custody of the student.

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

The Division of Exceptional Student Education is responsible for recruitment and training activities for all surrogate parents, including those appointed by a judge.

Recruitment Activities: The District's dissemination and marketing activities to recruit volunteers who are willing to serve as surrogate parents include the following:

- Radio and television public service announcements; local newspaper and magazine advertisements;
- Distribution of flyers at public libraries, parent resource centers, conferences, etc.;
- Information posted on District websites; utilization of email distribution lists;
- Presentations to faith-based and civic volunteer organizations;
- Pursuing retired school employees;
- Presentations at District meetings, e.g., The Parent Academy, Parent Teacher Student Association (PTSA), Office of Parental Involvement;
- Encouraging District staff to share information with colleagues, committees, families, friends, etc.

Training Activities: Training of all surrogate parents is conducted by the Florida Diagnostic and Learning Resources System-South and scheduled as needed to ensure that surrogate parents have the knowledge and skills needed to adequately represent a student.

District staff should refer to the Local Education Agency Implementation Guide for detailed procedures on Surrogate Parents.

Part I. General Policies and Procedures

Section E: Individual Educational Plans and Educational Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §300.323

Sections 1003.01 and 1003.57, F.S.

Rule 6A-6.0334, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

- a. Adopts the child's IEP or EP from the previous school district.
- b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 or 6A-6.030191, F.A.C.

2. IEPs or EPs for students who transfer from outside Florida

If an exceptional education student who had an IEP or EP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP or EP from the previous school district) until the school district does **both** of the following:

- a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.
- b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

If a student is being evaluated to determine if the student has a disability and needs special education and related services, the timeline of sixty (60) days of student attendance does not apply.

3. Parental consent

The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent is required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

4. Transmittal of records

To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures**Section F: Access to a Student's Public Benefits or Insurance****Statutory and Regulatory Citations**

34 CFR §300.154
Rule 6A-6.03028, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
 - a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
 - b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA, but pursuant to information provided below, the district may pay the cost that the parent otherwise would be required to pay.
 - c. May not use a student's benefits under a public insurance program if that use would (any of the following):
 - Decrease available lifetime coverage or any other insured benefit.
 - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
 - Increase premiums or lead to the discontinuation of benefits or insurance.
 - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
 - d. Must obtain informed written parental consent before accessing public benefits or insurance and notify parents that the parents' consent, refusal, or withdrawal of such consent to allow access to their public benefits or insurance does not relieve the school district of the responsibility to ensure that all required services are provided at no cost to the parents; parental consent must be obtained each time services are changed.
2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent.
 - a. Each time the school district proposes to access the parent's private insurance proceeds, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
 - b. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention and Request for Evaluation

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. General education intervention procedures are required for students needing additional academic or behavioral support in order to succeed in the general education environment. General education interventions may include the provision of educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction and professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions.
2. Request for evaluation is the process whereby a written request is made for a formal individual evaluation to determine a student's eligibility for specially designed instruction and related services.

General Education Intervention Procedures

1. Parent involvement in general education intervention procedures
The school district provides opportunities for parents to be involved in the process to address the student's academic or behavioral areas of concern. Discussions are held with the parent regarding the student's responses to interventions, supporting data and potential adjustments to the interventions, and anticipated future action to address the student's learning or behavioral areas of concern. Maintain documentation of parental involvement and communication.
2. Observations of student in the educational environment
The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.
3. Review of data
The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.
4. Sensory screenings and diagnostic assessments
 - a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.
 - b. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.
5. Implementation of evidence-based interventions
 - The school district implements evidence-based interventions addressing the identified areas of concern in the general education environment.
 - A problem-solving team develops the interventions selected for implementation through a process that uses student performance data to identify and analyze the area of concern.

- The school district will select and implement interventions and monitor the effectiveness of the interventions.
 - Interventions shall be implemented by the school district as designed, for a reasonable period of time, and with a level of intensity that matches the student's needs.
 - The school district will collect and communicate to the parents in an understandable format the pre-intervention and ongoing progress-monitoring measures of academic or behavioral areas of concern.
6. Exceptions to requirement for general education interventions
- Not required for students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
 - Not required for students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
 - Not required for students who are not enrolled in a public school.
 - May not be required for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.
7. The activities above do not apply to children who are below mandatory school age and who are not enrolled in kindergarten. For those children, the requirements below will be followed:
- a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
 - b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
 - c. Conduct additional screenings to assist in determining interventions as appropriate.

Describe the district's multi-tiered system of supports and procedures for implementing evidence-based interventions in the general education environment.

A multi-tiered Response to Intervention (RtI) model has been adapted for the implementation of research-based instruction and intervention. At Tier 1, research-based core instructional and behavioral methodologies, practices and supports designed for all students provide the foundation in general education. Tier 2 consists of supplemental instruction and interventions that are provided in addition to and in alignment with core instruction and behavioral supports to targeted groups of students identified as needing additional assistance. Tier 3 is targeted for those students that require intensive instructional or behavioral intervention in addition to and in alignment with core instruction. At this tier, instruction and intervention intensity is reflected in increased frequency, greater duration and/or more individualization.

The RtI process consists of the following:

- Tier 1 RtI meetings in each school review the screening data and identify students in need of additional support through Tier 2 intervention. Those students who meet benchmark standards will continue to remain at Tier 1 and their progress monitored at the next benchmark assessment.
- While receiving intervention at Tier 2, a student's progress will be monitored by the RtI team to determine if progress is being made adequately. If a student is not progressing and the intervention has been implemented as designed, the student will be referred to the School Support Team (SST).
- The SST will review the screening and progress monitoring data and information provided from all other relevant records in order to develop more focused, intensive interventions for the student. Parent(s)/guardian(s) are integral team members and provide data regarding developmental history and current functioning within the family and community units. Barriers to learning are identified and strategies to overcome such barriers are developed. A progress monitoring schedule is determined and responsible persons are designated for the implementation of interventions and progress monitoring.
- Interventions are implemented and monitored at Tier 3 interventions as designed.
- Progress monitoring data is collected a minimum of every two weeks and parents are notified of intervention implementation and student progress over time.
- The School Psychologist may assist with progress monitoring data collection.
- If the focused, evidence-based interventions attempted at all Tiers do not produce a satisfactory level of progress, as evidenced by review of the RtI data and an analysis of any existing barriers to learning, interventions are modified and a comprehensive evaluation may be requested.

Documentation of the various strategies and interventions employed in Tiers 2 and 3, as well as all data pertaining to progress monitoring, become part of the referral packet.

- Parents are kept informed of planned intervention efforts and the student's progress in response to intervention throughout the entire SST process.

Procedures for Initiating an Evaluation

Either a parent or a district may initiate a request for an evaluation to determine if a student is a student with a disability. The district must obtain parental consent to conduct an initial evaluation when:

1. The district has reason to suspect that the student is a student with a disability and needs special education and related services.

Note: In determining whether there is reason to suspect that the student is a student with a disability and needs special education (i.e., the district's Child Find obligation), the following factors, *in combination*, may constitute a reason for a district to initiate evaluation procedures. Examples of these factors include, but are not limited to:

- a. Insufficient response to the evidence-based interventions
 - b. Evidence of academic concerns
 - c. Evidence of behavioral concerns
 - d. Information from non-school-based sources that indicates the following:
 - The student has been hospitalized (particularly for mental health reasons or chronic health issues).
 - The student has received a *Diagnostic and Statistical Manual of Mental Disorders* (DSM) diagnosis (e.g., attention deficit hyperactivity disorder [ADHD], oppositional defiant disorder [OSDD], obsessive-compulsive disorder [OCD], etc.).
 - The student is seeing a counselor, therapist, or physician outside the school system.
 - A private evaluator has recommended an evaluation or services, and the results of those evaluations have been provided by the parents.
2. Parents request that the district conduct an evaluation to determine if their son or daughter is a student with a disability. If this request is prior to the implementation of the general education interventions and the school district determines that there is reason to suspect that the student is a student with a disability, the district must provide the *Notice of Procedural Safeguards for Parents of Students with Disabilities* and obtain consent for the evaluation. In this case, the activities described in the general education intervention procedures are completed concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction. However, if upon review of the parent's request, the district determines that there is no reason to suspect that the student is a student with a disability, the district must provide the parent with written notice of refusal and the *Notice of Procedural Safeguards for Parents of Students with Disabilities*.

Prior to initiating an evaluation for students suspected of having a disability, school personnel must make one of the following determinations and include appropriate documentation in the student's educational record:

- a. The activities described in the general education intervention procedures in the previous section above have been implemented but have been unsuccessful in addressing the areas of concern for the student.
- b. The activities described in the general education intervention procedures in the previous section above have been implemented and have been effective but require sustained and substantial effort.
- c. The nature or severity of the of the student's areas of concern make implementation of evidence-based interventions inappropriate in addressing the immediate needs of the student.

Describe the district's procedures if a parent requests that an evaluation be conducted to determine the student's eligibility for specially designed instruction and related services as a student with a disability prior to the implementation of the general education interventions.

A parent of a student suspected of having a disability may request, at any time, an evaluation to determine if the student is eligible for specially designed instruction and related services as a student with a disability. The District must conduct the evaluation or notify the parent in writing of the reasons for refusing to conduct an evaluation. If the

District agrees with the parent that an evaluation should be conducted, staff must obtain parental consent within a reasonable period of time and evaluate the student within 60 school days in which the student is in attendance. Lack of general education interventions may not prevent or delay an evaluation. In such cases, where necessary, the evaluation will include Tier 2 and Tier 3 problem solving, intervention implementation, and progress monitoring for purposes of measuring the student's response to intervention for educational planning and eligibility determination.

Additional Information Required:

This section is not applicable for the district.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are **enrolled in the public school system** .

If a student is suspected of having a disability consistent with SST guidelines, the following procedures are to be followed:

1. A parent/guardian, teacher, or administrator may refer the student to the SST general education review committee. This committee should include the following individuals as appropriate: SST coordinator, parent(s)/guardian(s), teacher(s), target area specialist(s) for reading, mathematics and/or FAB, school psychologist, LEP representative, and school counselor. The school psychologist and the teacher must attend all SST general education review committee meetings.
2. The SST, including as needed, a member familiar with the cultural/linguistic background of the student, will meet to review the implementation and effectiveness of general education interventions. The SST verifies whether the parent requires an interpreter to participate and makes arrangements for a qualified interpreter, as appropriate. The committee's review shall include, but is not limited to, the Pupil Monitoring Plan (PMP), the LEP plan, social family background history (if appropriate), the Home Language Screener Questionnaire form, attendance history, progress monitoring and general education history.
3. If it is determined that the student has received appropriate educational interventions and they have been ineffective in addressing the student's educational needs, a referral for a comprehensive evaluation may be made. The SST determines whether the student must be evaluated in English, in a language other than English, or both languages.
4. The following information must be included in the request for evaluation packet: the SST Request for Evaluation, Notice of Intent and Parental/Guardian Consent to Conduct an Evaluation, Speech and Language Evaluation Report (if applicable), Vision Screening M-Team Referral Report, Observation of Student Behaviors form (s) and School Social Worker Student Background Screening.
 - a. For students who present emotional concerns, anecdotal records and the BIP developed from the FAB must also be included.
 - b. For LEP students, the request for evaluation packet must also include: the individual LEP Student Plan with current results and data; the Home Language Screening Questionnaire form; language proficiency/dominance tests (formal and/or informal) in both English and the native language (if appropriate) with information to include dominant language at home; and the student's prior experience with formal education.
5. At anytime, a parent/guardian may request an evaluation prior to the completion of general education interventions.
6. If the SST determines no interventions have been implemented and there is no basis to suspect an exceptionality, a refusal for evaluation notice will be provided to the parents.
7. If the SST determines a need for interventions, the team will assist in the development of general education interventions, and a referral for a comprehensive evaluation will be made. The comprehensive evaluation is to be completed concurrently with the implementation of general education interventions for those students suspected of having a disability and in need of specially designed instruction and related services. Eligibility for a special program for children with a disability is determined after the completion of the comprehensive evaluation and the activities described in the general education interventions procedures are completed.

For those students who may be gifted, the following procedures are to be followed:

1. The screening process for the District includes the development of a talent pool of students who demonstrate unusual ability. Students should be screened using two or more of the following criteria:
 - High academic achievement, as indicated by standardized test 89 percentile or higher or FCAT SSS Level 4 or 5 or course work grades of A or B.
 - Above average creative output in artistic, literary, scientific, or mathematics endeavors
 - Very rapid learning rate or unusually insightful conclusions
 - Multiple nominations from teachers and staff who observe unique talent
 - Parental reports of advanced developmental behavior, such as early reading, verbal precocity and use of

complex syntax, or evidence of mechanical aptitude

-Outstanding academic, creative, or leadership abilities, self-reported or peer-reported.

2. A student profile is developed for a student being referred to the SST. The student profile includes the following:

-Gifted Characteristics Checklist- Students need to demonstrate a majority of gifted characteristics on the rating scale to continue in the process); and

-Information that can be utilized to demonstrate the student's ability and need for gifted program services. This information may include, but is not limited to:

a. standardized test scores (A standardized achievement test is administered to students who do not have Stanford Achievement Test or FCAT scores; additionally, the Aprenda can be used to measure the achievement of Spanish- speaking ESOL students.)

b. classroom performance indicators such as report card grades, class work, and/or projects.

3. A SST meeting is convened in order to review the information gathered in the student's profile. The SST makes the determination of whether or not to continue the evaluation process, based on the supporting documentation and a majority of gifted characteristics as measured by the Gifted Characteristics Checklist.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are **enrolled in nonpublic schools or agency programs** .

For students who may be experiencing behavioral or academic problems, the following procedures are in effect:

1. The parents/guardians contact the M-DCPS home school their child would attend if enrolled in M-DCPS .

2. Communication should be addressed to the SST Coordinator at the school.

3. The parents/guardians may request that a SST meeting be scheduled for their child. Holding a SST meeting is the first step in addressing the student's educational needs.

4. The parents/guardians need to provide to the SST general education review committee information regarding the academic and/or behavioral functioning of their child. This information should include behavioral observations from teachers and parents/guardians, school grades, attendance records, group or individual testing results, and the results of any interventions that may have been implemented and monitored in the non public school or agency program setting.

5. The SST, including a member familiar with the cultural/linguistic background of the student, will meet to review the implementation and effectiveness of any general education interventions that may have been implemented.

6. The SST verifies whether the parent requires an interpreter to participate and makes arrangements for a qualified interpreter, as appropriate.

7. If the parents/guardians have been unable to provide information regarding their student's academic program in the non public school or agency program setting, the parents/guardians will be asked to sign consent for mutual exchange of information. This consent allows the SST coordinator to make direct contact with non public school or agency program personnel regarding the behavioral and academic functioning of the student.

8. If there is sufficient basis for suspecting a disability, a referral for evaluation may be made. The SST determines whether the student must be evaluated in English, in a language other than English, or both languages.

9. The following information must be included in the request for evaluation packet: the SST Request for Evaluation, Notice of Intent and Parental/Guardian Consent to Conduct an Evaluation, Speech and Language Evaluation Report (if applicable), Vision Screening M-Team Referral Report, Observation of Student Behaviors form (s) and School Social Worker Student Background Screening.

a. For students who present emotional concerns, anecdotal records and the BIP developed from the FAB must also be included.

b. For LEP students, the request for evaluation packet is to include: the individual LEP Student Plan with current results and data; the Home Language Screening Questionnaire form; language proficiency/dominance tests (formal and/or informal) in both English and the native language (if appropriate) with information to include dominant language at home; and the student's prior experience with formal education.

10. At anytime, a parent/guardian may request an evaluation.

11. If the SST determines there is an insufficient basis for suspecting a disability, a refusal for evaluation notice will be provided to the parents.

For students who may be gifted, the procedures 1, 2, and 3 outlined in this section must be completed.

Additionally, the student must demonstrate a majority of gifted characteristics as measured by the Gifted Characteristics Checklist completed by the student's teacher.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are **not enrolled in any school** .

For students who may be experiencing behavioral or academic problems, the following procedures are in effect:

1. The parents/guardians are to contact the M-DCPS home school their child would attend if enrolled in M-DCPS.

2. Communication should be addressed to the SST Coordinator at the school.

3. The parents/guardians may request that a SST meeting be scheduled for their child. Holding a

SST meeting is the first step in addressing the student's educational needs.

4. The parents/guardians need to provide to the SST general education review committee information regarding the academic and/or behavioral functioning of their child. This information should include behavioral observations from parents/guardians, school grades, a history of educational instruction including the number of days and hours of instruction, group or individual testing results and the results of any interventions that may have been implemented and monitored, as appropriate.

5. The SST, including a member familiar with the cultural/linguistic background of the student, will meet to review the implementation and effectiveness of any general education interventions that may have been provided.

6. The SST verifies the preferred language of the parents/guardians and makes arrangements for a qualified interpreter, as appropriate.

7. The following information must be included in the request for evaluation packet: the SST Request for Evaluation, Notice of Intent and Parental/Guardian Consent to Conduct an Evaluation, Speech and Language Evaluation Report (if applicable), Vision Screening M-Team Referral Report, Observation of Student Behaviors form(s) and School Social Worker Student Background Screening.

a. For students who present emotional concerns, anecdotal records and the BIP developed from the FAB must also be included.

b. For LEP students, the request for evaluation packet is to include: the individual LEP Student Plan with current results and data; the Home Language Screening Questionnaire form; language proficiency/dominance tests (formal and/or informal) in both English and the native language (if appropriate) with information to include dominant language at home; and the student's prior experience with formal education.

8. At anytime, a parent/guardian may request an evaluation. In circumstances where a parent/guardian seeks assistance through a request for evaluation and there is insufficient basis for suspecting a disability, a refusal for evaluation notice will be provided to the parents.

For students who may be gifted, the procedures 1, 2, and 3 outlined in this section must be completed. Additionally, the student must demonstrate a majority of gifted characteristics as measured by the Gifted Characteristics Checklist completed by the student's teacher.

Part I. General Policies and Procedures

Section H: Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.300–300.305

Chapter 490, Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, and 6A-6.03411, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
 - a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
 - b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
 - c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
 - d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts should consider the following:
 - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
 - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
 - User qualifications recommended by the publisher in the test manual
 - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
 - Purpose of the evaluation (e.g., eligibility or educational planning)
2. Evaluation timelines
 - a. Based on Rule 6A-6.0331(3)(a), F.A.C., the school district must make one of the following determinations, documented in the student's educational record, prior to the request for an initial evaluation:
 - General education interventions have been implemented and indicate that the student should be considered for ESE eligibility

- The nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student
- b. Based on Rule 6A-6.0331(3)(b), F.A.C., if a parent requests that the school district conduct an initial evaluation prior to the completion of the general education interventions, the school district **must**:
 - Obtain consent for and conduct the evaluation and complete the general education interventions **concurrently** with the evaluation but prior to the determination of the student's eligibility; **or**
 - Provide the parent with written notice of its refusal to conduct the evaluation.
- c. The school district ensures that initial evaluations of students suspected of having a disability are completed within sixty (60) school days (cumulative) of which the student is in attendance, after the school district's receipt of the parental consent for evaluation. For prekindergarten children, initial evaluations must be completed within sixty (60) school days after the school district's receipt of parental consent for evaluation.
- d. The determination of whether a student is "in attendance" must be made consistent with the school board's policies implementing Rule 6A-1.044, F.A.C., which requires the reporting of students' attendance.
- e. The 60-day timeline for evaluation does not apply if:
 - The parent repeatedly fails or refuses to produce the student for the evaluation
 - A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

- f. The school board ensures that students suspected of being gifted are evaluated within a reasonable period of time. The district's definition of a "reasonable period of time" is described below.

This text box is not applicable for the district.

Describe the district's timeframe to ensure completion of gifted evaluations, including a definition of a "reasonable period of time."

The school district ensures that initial evaluations of students suspected of being gifted are completed within 90 school days (cumulative) of which the student is in attendance, after the school district's receipt of the parent consent for evaluation.

3. Parent consent

- a. The school district will provide notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted before the evaluation is conducted. However, based on 34 CFR §300.300(d)(1), parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is

administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of specially designed instruction and related services.

- b. Based on 34 CFR §300.300(a)(2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:
- The school district cannot discover the whereabouts of the parent,
 - The rights of the parent have been terminated, or
 - The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411, F.A.C., "Parent means" **any** of the following:

1. A biological or adoptive parent of a student
 2. A foster parent
 3. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)
 4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare
 5. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- c. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures. A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.
- d. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

- a. As part of an initial evaluation, if appropriate, the problem-solving team and other qualified professionals, as appropriate, **must** take the following actions:
1. Review existing evaluation data on the student, including:
 - Evaluations and information provided by the student's parents,
 - Current classroom-based, local, or State assessments and classroom-based observations, and
 - Observations by teachers and related services providers.
 2. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:
 - Whether the student is a student with a disability or, in case of a reevaluation of the student, whether the student continues to have a disability,
 - The educational needs of the student,
 - The present levels of academic achievement and related developmental needs of the student,

- Whether the student needs special education and related services or, in the case of a reevaluation of the student, whether the student continues to need special education and related services, and
 - Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
3. The group conducting this review may do so without a meeting.
 4. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.
 5. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:
 - That determination and the reasons for the determination; and
 - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.
 6. In conducting an evaluation, the school district:
 - Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parents that helps determine eligibility and assists in writing an IEP, EP, or individualized family support plan (IFSP). The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a prekindergarten child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
 - Does not use any single measure or assessment as the sole criteria for determining eligibility or educational programming.
 - Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
- b. The school district ensures that assessments and other evaluation materials used to assess a student:
 - Are selected and administered so as not to discriminate on a racial or cultural basis
 - Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
 - Are used for purposes for which the measures are reliable and valid
 - Are administered by trained and knowledgeable personnel in accordance with instructions provided by the producer of the assessments
 - c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.
 - d. Assessments and other evaluation materials include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.
 - e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's specially

designed instruction and related service needs, whether or not commonly linked to the eligibility category for which the student is identified.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.
6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for specially designed instruction and related services. Describe the district's procedures for ensuring that a student's eligibility for specially designed instruction and related services is determined within a reasonable time following completion of the student's evaluation.

The district shall schedule and conduct an eligibility determination meeting, and if eligible for services, develop an IEP, within 20 business days of the completion of the student's evaluation and submission of the report for staffing.

Procedures for Reevaluation

1. Frequency of reevaluation

- a. The school district ensures that a reevaluation is conducted if the district determines that the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
- b. Reevaluation of the student may not occur more than once a year, unless the parent and the school district agree otherwise, and must occur at least once every three (3) years, unless the parent and the school district agree that reevaluation is not needed.
- c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
- d. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- e. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
 - Nonprofit private schools located within the district
 - For-profit private schools and are residents in the district
 - Home education

2. Reevaluation Procedures

As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:

- a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student; current classroom-based, local, or state assessments and classroom-based observations; and observations by teachers and related services providers.

- b. Identify on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
- Whether the student continues to have a disability,
 - The educational needs of the student,
 - The present levels of academic achievement and related developmental needs of the student,
 - Whether the student continues to need special education and related services, and
 - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
- c. The IEP team may conduct the review of existing evaluation data without a meeting.
- d. If the IEP team determines that no additional evaluation data are needed needed to determine whether the student continues to be a student with a disability and the student's educational needs, the school district shall notify the student's parent(s) of the following:
- The determination and the reasons for that determination, and
 - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

- e. The following rules require the administration of specific assessments as a part of a student's reevaluation:
- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
 - Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
 - Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parent consent when additional data are needed

- a. The school district will provide notice to the parent that describes any reevaluation procedures the school district proposes to conduct.
- b. The school district will obtain informed consent from the parent of the student prior to administering a test or other instrument that is not administered to all students.
- c. Informed parental consent is not required for reevaluation if the school district can demonstrate that it made reasonable efforts to obtain such consent and the student's parents failed to respond.

4. Reevaluation timelines

- a. The district is expected to complete the reevaluation within a reasonable time following the reevaluation review that identifies the need for additional assessment.
- b. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within sixty (60) school days after the team's recommendation.

Describe the district's procedures for ensuring that a determination regarding whether the educational or related services needs of the student warrant a reevaluation is made at least every three (3) years.

The determination whether to conduct the reevaluation is made prior to the reevaluation due date. Reevaluation of the student occurs prior to the reevaluation due date and at least once every three years

unless the parent and the District agree that reevaluation is not needed. Reevaluation may not occur more than once a year, unless parent and the District agree otherwise.

Describe the district's procedures for ensuring that reevaluations are completed within a reasonable time following the reevaluation review that identifies the need for additional assessment.

The District will complete the reevaluation additional assessment within a reasonable time following the reevaluation review that identifies the need for additional assessment.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within sixty (60) school days after an IEP team makes the recommendation.

The IEP team implements trials of strategies/tools as determined by the District's Assistive Technology Implementation Plan (ATIP) continuous assessment documentation form for at least two (2) weeks.

Within sixty (60) school days strategies and tools are identified and provided, if appropriate, which meet the student's education, access or communication needs within the curriculum. The AT assessment is completed within 60 schools days after an IEP meeting makes the recommendation.

Within sixty (60) days, a meeting is held to review the results of the AT assessment and add the required tools and/or strategies, if deemed appropriate by the IEP team, to the student's IEP.

5. Determination of continued need for specially designed instruction and related services

- a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of specially designed instruction and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
- b. If the reevaluation indicates that the student is no longer a student with a disability or that specially designed instruction and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
- c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

Independent educational evaluation (IEE) means an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district **must**, without unnecessary delay, **either** :
 - Ensure that an IEE is provided at public expense.
 - Initiate a due process hearing under this rule to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
 - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
 - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

Parents may request an IEE at public expense orally or in writing. This request and the appropriate supporting documentation will be reviewed by the District to determine if an IEE, paid by the District, is warranted and a decision will be rendered within thirty (30) days of parental request. If an IEE at public expense is granted, the District will initiate the process of obtaining the IEE with a qualified examiner of the parents choosing. If the IEE at public expense is not granted, the District will initiate a due process hearing under this rule to show that its evaluation is appropriate. The IEE will be considered by the IEP team. The District will provide the parent with the criteria for IEE.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

IEEs obtained at private expense shall be used in program planning and eligibility determination.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the State standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For most students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities**Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder****Statutory and Regulatory Citations**

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023 and 6A-6.0331, F.A.C.

Definition

Autism Spectrum Disorder (ASD) is defined as a range of pervasive developmental disorders that adversely affects a student's functioning and results in the need for specially designed instruction and related services. ASD is characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe. ASD may include Autistic Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Asperger's Disorder, or other related pervasive developmental disorders.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Uneven developmental profile as evidenced by inconsistencies across or within the domains of language, social interaction, adaptive behavior, or cognitive skills
2. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to people or the environment
3. Impairment in verbal or nonverbal language or social communication skills
4. Restricted repetitive or stereotyped patterns of behavior, interests, or activities
5. The student demonstrates a need for special education

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the evaluation for determining eligibility shall include the following:
 - a. Documented and dated behavioral observations conducted by members of the evaluation team targeting social interaction, communication skills, and stereotyped patterns of behavior, interests, or activities, across settings; general education interventions and activities conducted prior to referral may be used to meet this criterion, if the activities address the elements identified in this section;
 - b. A comprehensive social developmental history compiled with the parents(s) or guardian(s) that addresses the core features of Autism Spectrum Disorder;
 - c. A comprehensive psychological evaluation to identify present levels of performance and uneven patterns of development in language, social interaction, adaptive behavior, and cognitive skills
 - d. A comprehensive speech language evaluation; and
 - e. The consideration of medical information provided.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to

the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
 - a. 25 decibel (dB) + 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
 - b. A high frequency hearing threshold level of 25 dB + 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
 - c. A unilateral hearing threshold level of 50 dB + 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
 - d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
and
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven (7)

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three (3) years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
 - a. Residual hearing
 - b. Speech reading
 - c. Manual communication systems
 - d. Speech
 - e. Appropriate amplification
3. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.

There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
 Sections 1003.01, 1003.21, and 1003.57, F.S.
 Rules 6A-6.03027 and 6A-6.03031, F.A.C.

Definitions

1. For an infant or toddler from birth through two (2) years of age, developmental delay is defined as delay in one (1) or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three (3) through five (5) years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three (3) through five (5) years of age

A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

- a. The child is three (3) through five (5) years of age.
- b. There is documentation of **one** of the following:
 - A score of two (2) standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
 - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two (2) areas of development
 - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed
- c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two (2) years of age (below thirty-six (36) months)

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

- a. The child is below the age of thirty-six (36) months;
- b. There is documentation of **one** of the following:
 1. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or
 2. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

3. Based on informed clinical opinion a determination has been made that a developmental delay exists.
- c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
- d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,
- e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three (3) through five (5) years:

- a. Delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
 - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent (s); or
 - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
 - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
- b. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three (3) through five (5) years of age, continued eligibility as a student with a disability under another category will be determined before the child is six (6) years old.
2. For a child birth through two (2) years of age (below thirty-six (36) months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three (3) through five (5) years of age
 - a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
 - b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.
2. For a child birth through two (2) years of age (below thirty-six (36) months)
 - a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
 - b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired****Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, 300.113, and 300.172
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rule 6A-6.03022, F.A.C.

Definition

Dual-sensory impairment is defined as impairment affecting both vision and hearing, the combination of which causes a serious impairment in the abilities to acquire information, communicate, or function within the environment, or a degenerative condition which will lead to such an impairment.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:

- a. A visual acuity of 20/70 or less in the better eye after best correction;
- b. A peripheral field loss;
- c. A progressive vision loss; or
- d. Other documented visual conditions, including, but not limited to, extreme light sensitivity or lack of contrast sensitivity;

and

2. One or more of the following hearing impairments:

- a. Hearing impairment of 30 dB or greater unaided in the better ear;
- b. Other documented auditory conditions including, but not limited to, monaural loss or an inability to screen out auditory background sounds; or
- c. A progressive hearing loss;

and

3. A combination of the visual and auditory impairments as specified above that adversely affects, or has the potential to adversely affect, the student's abilities to acquire information, communicate, or function within the environment, unless special instruction, materials, adaptations, or counseling are provided; or
4. A diagnosed degenerative condition or syndrome that will lead to dual-sensory impairment and is likely to adversely affect the areas listed above; and
5. The student demonstrates a need for special education.

Student Evaluation

The minimum student evaluations include:

1. For students with a suspected degenerative condition or syndrome that will lead to dual-sensory impairment: a medical statement confirming the existence of such a condition or syndrome and its prognosis
2. For children who are under the age of three (3) years:
 - a. A medical eye exam describing etiology, diagnosis, and prognosis;

- b. Documented observation of functional vision that includes possible impediments to visual use;
 - c. An audiological exam; and
 - d. Documented observation of auditory functioning.
3. For students who are over the age of three (3) years:
- a. A medical eye exam describing etiology, diagnosis, and prognosis;
 - b. Documented observation of functional vision which includes possible impediments to visual use;
 - c. An audiological exam;
 - d. Documented observation of auditory functioning;
 - e. An assessment of speech and language functioning which includes a differential diagnosis of the student's linguistic abilities and of modality strengths and preferences; and
 - f. An assessment of intellectual functioning, developmental level, or academic functioning.

Student Reevaluation

1. A reevaluation shall occur at least every three (3) years and shall include, at a minimum, the following:
 - a. A medical eye exam describing etiology, diagnosis, and prognosis
 - b. Documented observation of functional vision that includes possible impediments to visual use
 - c. An audiological exam
 - d. Documented observation of auditory functioning
 - e. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Qualified Evaluators

The following are qualified evaluators for specialized evaluations:

1. Medical eye exam: optometrist or ophthalmologist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Audiological evaluation: audiologist
4. Functional auditory observation: teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's registry of students with dual-sensory impairments.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.

3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
 - a. Residual hearing
 - b. Speech reading
 - c. Manual communication systems
 - d. Speech
 - e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.03016, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
 - a. Internal factors characterized by:
 - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
 - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
 - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
 - b. External factors characterized by:
 - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
 - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
 - a. Normal, temporary (less than six (6) months) reactions to life event(s) or crisis, or
 - b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
 - c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

- a. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
- b. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
- c. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
- d. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
- e. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
- f. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention. A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.

There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two (2) Years Old who have Established Conditions

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
 Sections 1003.01, 1003.21, and 1003.57, F.S.
 Rules 6A-6.03030 and 6A-6.0331, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two (2) years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of thirty-six (36) months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two (2) years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two (2) years old with established conditions.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized**

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.03020, F.A.C.

Definitions

1. A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, or a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time. The medical diagnosis shall be made by a licensed physician.
2. Licensed physician is defined in Chapters 458 and 459, F.S., as one who is qualified to assess the student's physical or psychiatric condition.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is homebound or hospitalized if the following criteria are met:

1. A licensed physician must certify:
 - a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least fifteen (15) consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least fifteen (15) school days (or the equivalent on a block schedule), which need not run consecutively;
 - b. That the student is confined to home or hospital; and
 - c. That the student will be able to participate in and benefit from an instructional program.
2. The student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature.
3. The student can receive an instructional program without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
4. The student is in kindergarten through twelfth grade and is enrolled in a public school prior to the referral for homebound or hospitalized services, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, and 6A-6.03027, F.A.C.
5. A parent, guardian, or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.
6. The student demonstrates a need for special education.

Student Evaluation

The minimum evaluation for determining eligibility shall include:

1. An annual medical statement from a Florida physician(s) (i.e., licensed in accordance with Chapter 458 and 459, F.S.) that includes a description of the disabling condition or diagnosis with any medical implications for instruction. This report must state that the student is unable to attend school, describe the plan of treatment, provide recommendations regarding school re-entry, and give an estimated duration of condition or prognosis.

The team determining eligibility may require additional evaluation data. This additional evaluation data must be provided at no cost to the parent.

2. A physical reexamination and a medical report by a licensed physician(s) may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than required in this rule, and may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be at no cost to the parent.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities****Statutory and Regulatory Citations**

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.03011, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to eighteen (18) years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two (2) standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two (2) standard deviations below the mean on the adaptive behavior composite or on two out of three (3) domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
 - a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
 - b. A standardized assessment of adaptive behavior to include parental or guardian input.
 - c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
 - d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
 - a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
 - b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

- c. The educationally relevant medical findings, if any.
- d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.
- e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.030151, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous twelve (12)-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment****Statutory and Regulatory Citations**

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.030152, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

- a. A report of a medical examination, within the previous twelve (12)-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction
- b. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
 Sections 1003.01 and 1003.57, F.S.
 Rule 6A-6.030153, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
 - a. A report of a medical examination, within the previous twelve (12)-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction
 - b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech
 - c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
 Section 1003.57, F.S.
 Rule 6A-6.03018, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

- a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:
- Oral expression
 - Listening comprehension
 - Written expression
 - Basic reading skills
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem solving

The school district has the **option** of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2, F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a) 1, F.A.C.

One of the following **must** be selected:

- The district **requires** that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.
- The district **does not require** that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible

for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual **student** basis.

- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:
 - A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.
 - c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:
 - A visual, hearing, or motor disability
 - Intellectual disability
 - Emotional or behavioral disability
 - Cultural factors
 - Irregular pattern of attendance or high mobility rate
 - Classroom behavior
 - Environmental or economic factors
 - Limited English proficiency
2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:
 - a. The student does not make adequate progress when:
 - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
 - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

and
 - b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.
2. Observation requirement

In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

 - a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or
 - b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.
3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the

timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

- a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:
 - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
 - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.
- b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

- a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;
- b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and
- c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning
- c. The educationally relevant medical findings, if any
- d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:
 - Performance discrepancy
The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups
 - Rate of progress
When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the

achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

■ Educational need

The student continues to need interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

- e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency
- f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:
- Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
 - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation
- g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention to determine the student's eligibility as a student with a specific learning disability.

A multi-tiered Response to Intervention (RtI) model has been adapted for the implementation of research-based instruction and intervention. At Tier 1, research-based core instructional and behavioral methodologies, practices and supports designed for all students provide the foundation in general education. Tier 2 consists of supplemental instruction and interventions that are provided in addition to and in alignment with core instruction and behavioral supports to targeted groups of students identified as needing additional assistance. Tier 3 is targeted for those students who require intensive instructional or behavioral intervention in addition to and in alignment with core instruction. At this tier, instruction and intervention intensity is reflected in increased frequency, greater duration and/or more individualization.

The RtI process consists of the following:

- Tier 1 RtI meetings in each school review the screening data and identify students in need of additional support through Tier 2 intervention. Those students who meet benchmark standards will continue to remain at Tier 1 and their progress monitored at the next benchmark assessment.
- While receiving intervention at Tier 2, a student's progress will be monitored by the RtI team to determine if progress is being made adequately. If a student is not progressing and the intervention has been implemented as designed, the student will be referred to the SST.

• The SST will review the screening and progress monitoring data and information provided from all other relevant records in order to develop more focused, intensive interventions for the student.

Parent(s)/guardian(s) are integral team members and provide data regarding developmental history and current functioning within the family and community units. Barriers to learning are identified and strategies to overcome such barriers are developed. A progress monitoring schedule is determined and responsible persons are designated for the implementation of interventions and progress monitoring.

- Interventions are implemented and monitored at Tier 3 interventions as designed.
- Progress monitoring data is collected a minimum of every two weeks and parents are notified of intervention implementation and student progress over time.
- The School Psychologist will assist with progress monitoring data collection.

• If the focused, evidence-based interventions attempted at all tiers do not produce a satisfactory level of progress, as evidenced by review of the RtI data and an analysis of any existing barriers to learning, interventions are modified and a comprehensive evaluation may be requested.

Documentation of the various strategies and interventions employed in Tiers 2 and 3, as well as all data pertaining to progress monitoring, become part of the referral packet.

• Parents are kept informed of planned intervention efforts and the student's progress in response to intervention throughout the entire SST process.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments****Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, and 300.306
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.03012, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
 - a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
 - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
 - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
 - b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
 - c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in this rule and subsection 6A-6.0331(6), F.A.C.

1. Speech sound disorder

A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

- a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
- b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
- c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education
- d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder

A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

- a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.
- b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.
- c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder

A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

- a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.
- b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.
- c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.
- d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

The provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures must be implemented.

1. For a speech sound disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
- c. An examination of the oral mechanism structure and function.
- d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

- b. A minimum of two (2) documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.
 - c. An examination of the oral mechanism structure and function.
 - d. An assessment of all of the following areas:
 - Motor aspects of the speech behaviors
 - Student's attitude regarding the speech behaviors
 - Social impact of the speech behaviors
 - Educational impact of the speech behaviors
 - e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.
3. For a voice disorder, the evaluation must include all of the following:
- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
 - b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
 - c. An examination of the oral mechanism structure and function.
 - d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Section 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services
 - a. A group of qualified professionals determining eligibility under requirements of this rule and subsection 6A-6.0331(6), F.A.C., must include a speech-language pathologist.
 - b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability.
 - c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Section 468.1185, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.
2. Speech-language associate
 - a. Speech therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three (3) years

as described in Section 1012.44, F.S., in districts that qualify for the scarcity supplement as described in Section 1011.62(7), F.S.

- b. The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:
- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
 - The rationale for using this model
 - The manner in which the associate will be required to demonstrate competency
 - The process for monitoring the quality of services
 - The process for measuring student progress
 - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments****Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, and 300.306
Sections 1003.01 and 1003.57, F.S.
Rule 6A-6.030121, F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

A prekindergarten child is eligible as a student with a language impairment in need of specially designed instruction and related services if all of the following criteria are met:

- a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
 - i. Listening comprehension
 - ii. Oral expression
 - iii. Social interaction
 - iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)
- b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.
- c. Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section above, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section above.

Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

- d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through grade twelve (12)

A student meets the eligibility criteria as a student with a language impairment in need of specially designed instruction and related services if all of the following criteria are met:

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
 - i. Oral expression
 - ii. Listening comprehension
 - iii. Social interaction
 - iv. Written expression
 - v. Phonological processing
 - vi. Reading comprehension
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or State-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in the previous paragraph when using a process based on the student's response to scientific, research-based intervention.
- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through grade twelve (12), included under the **Student Evaluation and Reevaluations** section. There must be documentation of all of the following:
 - i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
 - ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in the defined language impairments, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in the defined language impairments. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
 - iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.
 - iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through grade twelve (12), included under the **Student Evaluation and Reevaluations** section, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the

evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

- d. The group determines that its findings under section 2.a) above are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming the following:
 - a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
 - b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
 - c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
 - a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
 - b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

- a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.
- c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through grade twelve (12)

Prior to obtaining consent for initial evaluation, the requirements of subsection 6A-6.0331(1), F.A.C., related to general education intervention procedures for kindergarten through grade twelve students must be met.

- a. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs exceptional student education in the following circumstances:
 - i. Prior to obtaining consent for evaluation, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions.
 - ii. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education.
 - iii. Whenever a referral is made to conduct an evaluation to determine the student's need for exceptional student education and the existence of a disability.
- b. To ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:
 - i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.
 - ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.
 - iii. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.
 - iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).
 - v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.
- c. With the exception of the documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s), general education activities and interventions conducted prior to initial evaluation in accordance with subsection 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this subsection.

Unique Philosophical, Curricular, or Instructional Considerations**Language services**

1. A group of qualified professionals determining eligibility under requirements of this rule and subsection 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for students eligible for language services, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Section 468.1185, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.
4. Speech-language associate
 - a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three (3) years as described in Section 1012.44, F.S., in districts that qualify for the scarcity supplement as described in Section 1011.62(7), F.S.
 - b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
 - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
 - The rationale for using this model
 - The manner in which the associate will be required to demonstrate competency
 - The process for monitoring the quality of services
 - The process for measuring student progress
 - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired****Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rule 6A-6.03014, F.A.C.

Definition

1. Students who are visually impaired include the following:
 - a. A student who is blind, has no vision, or has little potential for using vision.
 - b. A student who has low vision.
2. The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual or visual motor difficulties.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
 - a. A visual acuity of 20/70 or less in the better eye after best possible correction;
 - b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
 - c. A progressive loss of vision that may affect the student's ability to function in an educational setting, not including students who have learning problems that are primarily the result of visual perceptual or visual motor difficulties; or
 - d. For children birth to five (5) years of age or students who are otherwise unable to be assessed, bilateral lack of central, steady, or maintained fixation of vision with an estimated visual acuity of 20/70 or less after best possible correction; bilateral central scotoma involving the perimacula area (20/80–20/200); bilateral grade III, IV, or V retinopathy of prematurity (ROP); or documented eye impairment as stated in paragraph (3)(a) of Rule 6A-6.03014.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye; and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate.
2. For children birth to five (5) years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. If a medical criterion listed in paragraph (4)(a) of Rule 6A-6.03014, F.A.C., is met, then in addition to the provisions of Rule 6A-6.0331, F.A.C., a comprehensive assessment of skills known to be impacted by visual impairment shall include, but is not limited to: functional vision evaluation, learning media assessment, and, if appropriate, orientation and mobility assessment.

Reevaluation

1. Reevaluation shall occur at least every three (3) years and shall include a minimum of a medical eye examination within the last calendar year, functional vision assessment, learning media assessment, and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the DBS may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34

Sections 468.201-225 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411, and 64B11, F.A.C.

Definitions

1. Occupational therapy means services provided by a qualified occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined.

Student Assessment

Prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S.

Unique Philosophical, Curricular, or Instructional Considerations

1. When the IEP, EP, or IFSP is being reviewed for a student who is receiving occupational therapy as a related service, the licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team.
2. Occupational therapy may be provided by either a licensed occupational therapist or a licensed occupational therapy assistant in accordance with the provisions of s. 468.203, F.S.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities**Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services****Statutory and Regulatory Citations**

34 CFR §300.34

Sections 486 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411, and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a qualified physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Student Assessment

Prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s 486.021, F.S.

Unique Philosophical, Curricular, or Instructional Considerations

1. When the IEP, EP, or the IFSP is being reviewed for a student who is receiving physical therapy as a related service, the licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team.
2. Physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant in accordance with the provisions of s. 486.021, F.S.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.110 and 300.320 through 300.328
Sections 1001.02, 1003.01, 1003.57, and 1008.22, F.S.
Rules 6A-1.09961 and 6A-6.03028, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

The role of the parents in developing IEPs includes, but is not limited to:

- a. Providing critical information regarding the strengths of their student
- b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE
- c. Participating in discussions about the student's need for special education and related services
- d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments
- e. Participating in the determination of what services the district will provide to their student and in what setting
- f. Participating in the determination of whether the student is pursuing a course of study leading to a standard diploma or a special diploma

2. Parent participation in IEP team meetings

The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

- a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:
 - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
 - The meeting is scheduled at a mutually agreed upon time and place
- b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.
 - Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
 - Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.

- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.
- c. No later than the first IEP to be in effect when the student turns fourteen (14) (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.
- d. Not later than the first IEP to be in effect when the student turns sixteen (16) (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:
 - Detailed records of telephone calls made or attempted, and the results of those calls
 - Copies of correspondence sent to the parents and any responses received
 - Detailed records of visits made to the parents' home or place of employment, and the results of those visits
- g. The district takes whatever action is necessary to ensure that the parents and the student, beginning at age fourteen (14), understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.
- h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
- i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

- a. The parents of the student
- b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:
 - Appropriate positive behavioral interventions and supports and other strategies for the student
 - Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student
- c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student
- d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements
- e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

- f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting
- g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered
- h. Agency representatives— To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services
- i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services
- j. The district will determine the specific personnel to fill the roles under b) through e) above

4. IEP team member excusal

- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
- b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.
- c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting:

<p>The Local Educational Agency (LEA) Representative</p>
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- d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

- a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

- b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
- c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

Timelines for IEPs include the following:

- a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.
- b. An IEP must be developed within thirty (30) calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.
- c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

The IEP team considers the following factors in the development, review, and revision of the IEP:

- a. Strengths of the student and concerns of the parents for enhancing the education of their child
- b. Results of the initial or most recent evaluation or reevaluation
- c. As appropriate, results of the student's performance on state or districtwide assessments
- d. Academic, developmental, and functional needs of the student
- e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior
- f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP
- g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student
- h. The communication needs of the student
 - i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode
 - j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE
 - k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services
 - l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect

8. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the State or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take an alternate assessment instead of the regular state or district assessment of student achievement, the IEP must include a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student. If a student does not participate in the regular state assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.
- h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
- j. During the student's eighth grade year or during the school year of the student's 14th birthday, whichever comes first, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma.
- k. Beginning no later than age fourteen (14), IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include consideration of the student's need for instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP team meetings and self-advocate, so that needed postsecondary goals may be identified and in place by age sixteen (16).
- l. Beginning no later than the first IEP to be in effect when the student turns sixteen (16), or younger, if determined appropriate by the IEP team and updated annually:
 - A statement of appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate,

independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals.

- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

- m. Beginning at least one year before the student's 18th birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is eighteen (18) years of age.

9. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

- a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.
- b. Placement of the student in an ESE center school.

The district must use the forms adopted by FDOE for obtaining consent. In accordance with 34 CFR 300.503, each consent form must be provided in the parent's native language as defined in 34 CFR 300.29. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

10. Least restrictive environment (LRE) and placement determinations:

- a. To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.
- b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c. A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions and a school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

- d. In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
- The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
 - The placement decision is made in accordance with the LRE provisions listed above.
 - The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
 - Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
 - In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
 - A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- e. In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

11. Review and revision of the IEP

The district ensures that the IEP team:

- a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved
- b. Revises the IEP as appropriate to address:
 - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
 - Results of any reevaluation conducted
 - Information about the student provided to or by the parents
 - The student's anticipated needs or other matters
 - Consideration of the factors described earlier in subsection 7.a)– l)
- c. Responds to a parent's right to ask for revision of the student's IEP
- d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

12. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated.

13. Students with disabilities in adult prisons

The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications made.

14. IEP implementation and accountability

The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

15. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with State Board Rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

16. Access to instructional materials

The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

17. Physical education

Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receive appropriate physical education services in compliance with the section.

18. Treatment of charter school students

Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

- a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools
- b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:
 - i. Including proportional distribution based on relative enrollment of students with disabilities
 - ii. At the same time as the school distributes other federal funds to its other public schools

19. Program options

The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and vocational education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537

Sections 893.02, 893.03, 1002.20, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.

Rule 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

- a. The removal is for more than ten (10) consecutive school days.
- b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than ten (10) school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half (2½) inches in length.

6. Manifestation determination

A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District offers two-day professional development (PD) sessions to teachers for Positive Behavioral Interventions and Supports (PBIS). Information is given to schools on the use of PBIS when developing and implementing BIPs and IEPs. The District Code of Student Conduct focuses on Positive Behavior Interventions and supports and utilizes a progressive discipline approach.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

The District addresses the behavior in the development of the IEP for students with disabilities by ensuring positive behavioral supports and interventions are listed on the IEP that address the student's behaviors that impede learning. Interventions from the BIP must be documented in the student's IEP.

2. Authority of school personnel

Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

- a. May remove a student with a disability who violates a code of student conduct from the student's current placement for **not** more than ten (10) consecutive school days
- b. May further remove a student with a disability for **not** more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals **do not constitute a change in placement** as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

The District has created an ESE Student Monthly Suspension Report which is sent to all schools and SPED Service Center supervisors. Principals review and monitor this monthly report in addition to the quarterly COGNOS Suspension Report. All students with disabilities who are suspended are required to have a manifestation determination (MD) meeting after the sixth day of suspension and for every suspension thereafter in order to determine whether the pattern of removals constitutes a change of placement.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement.

The District has created an ESE Student Monthly Suspension Report which is sent to all schools and SPED Service Centers supervisors. Principals review and monitor this monthly report in addition to the quarterly COGNOS Suspension Report. All students with disabilities who are suspended are required to have a MD meeting after the sixth day of suspension and for every suspension thereafter in order to determine whether the pattern of removals constitutes a change of placement. Principals review this data to identify students whose names appear in the report more than one (1) time. For students who are suspended more than once, principals must analyze the length of each suspension, in addition to the number of suspensions. If a student receives short-term suspensions of less than 10 days each, a MD might need to be conducted. If the student's behavior is substantially similar to prior behavior warranting a suspension, the MD considerations would apply. Principals should analyze this data on a case-by-case basis to determine whether behavioral interventions have been attempted and whether a change of placement is appropriate.

3. Manifestation determination

A manifestation determination, consistent with the following requirements, will be made within **ten (10) school days** of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
 - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
 - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
 - Conduct a FBA, unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a BIP for the student; or
 - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
 - Except as provided in 6. below, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. below.

- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. below.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

The District conducts MD meetings within 10 school days of the decision to suspend students with disabilities. The IEP team participants are the designated MD participants. District staff and parents determine the relevant team members. A school psychologist must be present at all MD conferences.

The FAB process is initiated and a BIP is developed: (a) when a student with disabilities has accumulated six (6) days of outdoor suspension, including bus suspension, if student is unable to attend school; (b) as part of a MD review, and, if a behavioral problem resulted in a change of placement.

The District offers the following professional development (PD) sessions: (a) two-day PD on the FAB process and developing and implementing the BIP; (b) half-day PD on the steps for coordinating the FAB process, and the development, implementation, and monitoring of the BIP; and, (c) one-day BIP PD on the procedures for developing the revised BIP. One person from each school is chosen by the school site principal to be the FAB Coordinator and attend trainings.

If the IEP/MD team determines that the behavior was not a manifestation of the student's disability, the District may implement the relevant disciplinary procedures that would otherwise apply to a student without disabilities, in the same manner and for the same duration providing the student continues to receive services so as to enable the student to participate in the general curriculum and to progress toward meeting the student's IEP goals.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

Prior to the sixth day of outdoor suspension, the school is required to review the student's BIP. If necessary, the BIP should be modified. If the student does not have a BIP, the school must immediately conduct a FAB and initiate a BIP. The IEP must contain behavioral goals that reflect the BIP. Prior to initiating the FAB process, consent must be obtained. The school level staff is responsible for following through with the FAB process and developing, implementing, and monitoring a BIP. The Matrix of Services must be reviewed and a new Matrix must be written if additional services are being provided.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

The District provides a 4-day PD training on the FAB process and BIP development, implementation, and monitoring. The FAB process involves an assessment of how the student relates with his/her environment, and attempts to identify, gather and analyze this interaction to determine the purpose or function served by the problem behavior. Information collected through the FAB process is summarized; hypothesis statement is developed and a BIP is subsequently designed based upon the data gathered in the functional assessment. The BIP implementation is discussed. Graphing and ongoing problem-solving of data for decision making is also presented.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability

- The MD meeting MUST be conducted within 10 school days of the decision to suspend the student with disabilities. (A student with disabilities must not reach the tenth day of outdoor suspension without having had the MD meeting.)
- All procedures for preparing and conducting an IEP/504 meeting must be followed.
- The MD decision must be made on a case-by-case (individual incident) basis, in light of the circumstances and particular facts and not on the basis of the disability category or label (e.g., learning disabilities, emotional/behavioral disabilities).
- The MD meeting can be held by the school LEA if an AES is not being considered. The school psychologist must be present at all MD conferences and the student's most recent evaluation must be reviewed.
- The IEP/504 team must consider all relevant information in the student's file, including the IEP/504 plan, teacher observations, and any relevant information provided by the parent.
- The Matrix of Services must be reviewed after the MD meeting.
- If there is an additional outdoor suspension after the initial 10-day suspension and subsequent MD meeting, another MD meeting must be immediately convened every time an outdoor suspension is assigned.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

When parents disagree with a MD, they may submit the Request for Exceptional Student Education (ESE) Due Process form (FM-#5773), to the Clerk of the School Board, who forwards this request to the School Board Attorney's Office. It is then immediately submitted to the Division of Administrative Hearings (DOAH). The Request for Exceptional Student Education (ESE) Due Process form (FM-#5773) and the Request for Mediation form (FM-#6331) are provided to the parent at the end of the MD meeting if there is disagreement. Additionally, they are provided with a copy of the Procedural Safeguards for Parents of Students with Disabilities upon the receipt of first request for due process hearing in a school year. These forms are also available on the District's SPED website at <http://ese.dadeschools.net>.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. FAPE for students with disabilities who are suspended or expelled or placed in an IAES
 - a. A school district is not required to provide services to a student with a disability during removals totaling ten (10) school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
 - b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
 - c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than ten (10) consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teacher(s), will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
 - d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under b) above.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities who are suspended, expelled or placed in an IAES will continue to receive educational services in accordance with their IEPs, including homework assignments.

The IAES staff have the same requirements for PD as all District staff in SPED compliance including IEP and FAB/BIP development and implementation.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

The District provides positive behavioral support training to school site administrators, staffing specialists, program specialists, SPED chairpersons, teachers and support staff on procedures for suspensions, expulsions or placements in an IAES.

6. Special circumstances and interim alternative educational settings

- a. School personnel may remove a student to an IAES for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
 - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a state education agency or a school district; or
 - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
- b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

School administrators must provide the parents of a student with disabilities with the Notice of Suspension, (FM #1625), or the Notice of 10-Day Suspension/Consideration of Expulsion, (FM-1528), a copy of the Procedural Safeguards for Parents of Students with Disabilities and the Informed Notice of Proposal or Refusal to Change Evaluation, Identification, Educational Placement, or Free Appropriate Public Education form on the same day of the removal decision that constitutes a change of placement.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the forty-five (45) school-day limit is maintained.

The placement specialist tracks the student for 45 school days from the date of enrollment in an IAES and schedules an IEP meeting between day 40 and day 43.

7. Appeal and expedited hearings

a. An expedited hearing may be requested by:

- The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
- The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others

b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within twenty (20) school days of the date the request for due process is filed and an ALJ will make a determination within ten (10) school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven (7) days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within fifteen (15) days of the receipt of the request for expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven (7) days of receiving notice of a request for an expedited due process hearing.

The District contacts the parents of the student and school immediately upon receipt of a request for an expedited due process hearing to schedule a mutually agreeable date for the resolution meeting within the seven day time line.

A notification of meeting form is sent to the parents via email, U.S. mail and/or is hand delivered.



8. Authority of an ALJ

An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

- a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or
- b. Order a change of placement of the student with a disability to an appropriate IAES for not more than forty-five (45) school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- c. The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under this rule if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

a. Basis of knowledge

A school district is deemed to have knowledge that a student is a student with a disability if:

- The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
- The parent has requested an evaluation to determine whether the student is in need of special education and related services; or
- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.
12. Student records in disciplinary procedures

School districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

- a. For consideration by the person making the final determination regarding the disciplinary action
- b. For consideration by the appropriate authorities to whom school districts report crimes

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted as required for consideration by the person making the final determination regarding the disciplinary action.

The District includes in the records of the students with disabilities a statement on Student Case Management (SCM) forms of any current or previous disciplinary action that has been taken. The District also uses and transmits the SCM statement to the same extent that the disciplinary information is included in and transmitted with, the student records of non-disabled students for consideration by school administrators and/or school police. When a school reports a crime to appropriate authorities, the District conveys relevant information related to the student's disability, particularly the information necessary to protect the health or safety of the student or others.

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted as required for consideration by the appropriate authorities to whom school districts report crimes.

The District includes in the records of the students with disabilities a statement on Student Case Management (SCM) forms of any current or previous disciplinary action that has been taken against the student and transmits the SCM statement to the same extent that the disciplinary information is included in and transmitted with, the student records of non-disabled students for consideration by school administrators and/or school police. When a school reports a crime to appropriate authorities, the District conveys relevant information related to the student's disability, particularly the information necessary to protect the health or safety of the student or others.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

- a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.
- b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320

Sections 1003.01, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, [1008.212](#), 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03028 and 6A-6.0331, F.A.C.

General Statewide Assessment

1. Purpose

The primary purposes of the student assessment program are to provide information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

- a. Each student with a disability has the opportunity to participate in the statewide assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the IEP team and recorded on the student's IEP.
- b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.
- c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide assessments and acknowledge, in writing, the implications of such accommodations.
- d. Students who are identified solely as gifted are not eligible for state assessment accommodations.

3. Allowable accommodations

Allowable and appropriate accommodations for statewide assessments are included in the test administration manual. Copies of current statewide assessment test administration manuals published by the Florida Department of Education Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at <http://www.fldoe.org/asp>.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

- a. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c) are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.
- b. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

2. A student with a disability for whom the individual education plan (IEP) team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c) shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with rule 6A-6.03020, Florida Administrative Code, is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
 - a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
 - b. Written documentation of the most recent evaluation data.
 - c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
 - d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
 - e. Written evidence that the student has had the opportunity to learn the skills being tested.
 - f. Written evidence that the student has been provided appropriate instructional accommodations.
 - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
 - h. Written evidence of the circumstance or condition as defined in section (1).
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the Commissioner of Education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, Florida Administrative Code, shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's individual education plan. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Waiver of the Results of the General Assessment Graduation Requirement for Students with Disabilities

1. The general assessment graduation waiver process is designed for consideration of students with disabilities who may be eligible for a waiver.
2. District responsibilities

For the results of the general assessment graduation requirement to be waived, the IEP team must meet to determine whether the general assessment can accurately measure the student's abilities, taking into consideration all allowable accommodations.

3. Eligibility criteria

- a. To be considered for a waiver from the general assessment graduation requirement, the student:
- Must be identified as having a disability as defined in s. 1007.02(2), F.S.
 - Must have an active IEP
 - Must have been provided with instruction to prepare students to demonstrate proficiency in the core content knowledge and skills necessary for grade-to-grade progression and high school graduation (ss. 1003.428(8)(a), 1003.43(11)(a), and 1008.22(3)(c)8., F.S.)
 - Must have taken the grade 10 general assessment with appropriate, allowable accommodations at least twice, once in grade 10 and once in grade 11
 - Must be progressing toward meeting the state's credit, course, and cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma
- b. Under s. 1003.433(1), F.S., a student who transfers from another state must pass the grade 10 general assessment or an alternate assessment that is concordant with the general assessment; earn a 2.0 GPA; and meet all requirements of the school, district, or state from which he or she is transferring **or** meet Florida's course requirements to earn a standard diploma. A transfer student may be considered for the waiver.

EOC Assessment Waiver for Students with Disabilities

1. Section 1003.428(8)(b)2., F.S., states, "A student with a disability, as defined in s. 1007.02(2), for whom the IEP committee determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for the purpose of determining the student's course grade and credit..."
2. District Responsibilities
The IEP team will convene to make a determination whether the EOC assessment accurately measures the student's abilities, taking into consideration all allowable accommodations. The IEP team is encouraged to maintain documentation regarding the team's analysis of the student's course performance data used to make the decision to grant or deny a waiver of the EOC assessment results.
3. Eligibility criteria

To be considered for an EOC assessment waiver, the student must meet all the following criteria:

- Be identified as a student with a disability, as defined in s. 1007.02(2), F.S.
- Have an active IEP
- Have taken the EOC assessment with appropriate allowable accommodations at least once
- Have demonstrated, as determined by the IEP team, achievement of the course standards

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the general statewide assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.
2. Eligibility requirements
The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment is made by the IEP team and recorded on the IEP. The following criteria must be met:
 - a. The student is unable to master the grade-level general state content standards pursuant to Rule 6A-1.09401, F.A.C., even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials.

- b. The student is participating in a curriculum based on the state standards access points pursuant to Rule 6A-1.09401, F.A.C., for all academic areas.
- c. The student requires direct instruction in academics based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the general statewide assessment were provided. The Assessment Participation Checklist may be accessed at: <http://info.fldoe.org/docushare/dsweb/Get/Document-5831/dps-2010-92.pdf>.

4. Administration of the AA-AAS

The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Special Exemption

1. Pursuant to Section 1008.22(3)(c)8., F.S., upon approval of the Commissioner, a student with a disability as defined in Section 1003.01(3)(a), F.S., is eligible for consideration of a special exemption from participation in statewide assessments, including the alternate assessment, under extraordinary circumstances.
2. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating the mastery of skills that have been acquired and are measured by statewide assessments. A learning, emotional, behavioral, or significant cognitive disability or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., does not, in and of itself, constitute an extraordinary circumstance. Extraordinary circumstances are physical conditions that affect a student's ability to communicate in modes deemed acceptable for statewide assessments, creating a situation where the results of administration of a statewide assessment would reflect a student's impaired sensory, manual, or speaking skills rather than the student's achievement.
3. A request for consideration of this special exemption will be submitted to the Commissioner in writing from the district school superintendent no later than thirty (30) school days prior to the assessment administration window. Attached documentation will include the following:
 - a. Written description of the student's disabling condition, including a specific description of the student's impaired sensory, manual, or speaking skills and the extraordinary circumstances for the exemption request
 - b. Written documentation of the most recent evaluation data
 - c. Written description of the disability's effect on the student's achievement
 - d. Written evidence that the student has had the opportunity to learn the skills being tested, and written evidence that the manifestation of the student's disability prohibits the student from responding to the statewide assessment, even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual, or speaking skills rather than the student's achievement
4. The Commissioner shall determine whether the exemption will be granted based upon the documentation provided by the district school superintendent. A request for the determination of a special exemption must be submitted annually and approved by the Commissioner.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement.

The district administers district-wide assessment(s) of student achievement.

Yes

No

If **yes** , include the name of each district-wide assessment with the corresponding alternate assessment.

Baseline Benchmark Assessments; the corresponding alternate assessment is Brigance Inventory of Basic Skills Assessment Learning Profile

Part II. Policies and Procedures for Students with Disabilities**Section F: Eligibility Criteria for Prekindergarten Children with Disabilities**

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three (3) years of age and meets the criteria for eligibility for any of the following educational programs:
 - a. Deaf or hard of hearing
 - b. Visually impaired
 - c. Orthopedically impaired, other health impairment, or traumatic brain injury
 - d. Intellectual disabilities
 - e. Established conditions
 - f. Developmentally delayed
 - g. Dual-sensory impaired
 - h. Autism Spectrum Disorder
2. The child is age three (3) through five (5) and meets the criteria for eligibility as a child with one or more of the following disabilities:
 - a. Intellectual disabilities
 - b. Speech and language impaired
 - c. Deaf or hard of hearing
 - d. Visually impaired
 - e. Orthopedically impaired, other health impairment, or traumatic brain injury
 - f. Emotional or behavioral disabilities
 - g. Specific learning disabilities
 - h. Homebound or hospitalized
 - i. Dual-sensory impaired
 - j. Autism Spectrum Disorder
 - k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1 and 2 under *Eligibility Criteria*.
2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Section 1 and 2.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's individual educational plan (IEP) or individualized family support plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention," thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

Describe the district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday.

There are two Early Steps Programs in Miami-Dade County: Miami-Dade Early Steps North (University of Miami) and Early Steps Southernmost Coast (Miami Children's Hospital). At least 9 months prior to 3rd birthday (27 months old), Early Steps North and Early Steps Southernmost Coast will provide the Local Education Agency (LEA) Liaison, the child's name, date of birth, parent contact information, including families' names, address and telephone numbers, if parents have agreed to share information with Miami-Dade County Public Schools (M-DCPS). Each Early Steps has a LEA representative from M-DCPS assigned to facilitate the Part C to Part B Transition Process. A transition conference will be held between 27 months and 33 months of age in which the LEA Liaison will meet with the family and Early Steps to discuss M-DCPS Prekindergarten Program for Children with Disabilities and the possible special education services. Several informational brochures are given to the family explaining M-DCPS overview and its role in the IEP process. Early Steps provides a Referral Packet to the LEA at the transition conference. This packet contains items listed on the Part C to Part B Referral checklist, which includes all current assessment information, including collateral provider information, exit BDI-2 appointment date, birth certificate and proof of address. Both Early Steps and the family are informed of any additional information requested/required to ensure a smooth transition process. The Prekindergarten Program for Children with Disabilities monitors the status of the case, which is reviewed by a Pre-K psychologist and Pre-K speech/language pathologist. The case is then assigned to a Pre-K staffing specialist to schedule an eligibility/staffing conference prior to the child's third birthday. An IEP is developed and implemented on or before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
 - a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
 - b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
 - c. For a child with disabilities age three (3) through five (5) years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

- d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

- a. Curriculum content, materials, and activities are consistent with the district's program philosophy.
 - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Voluntary Prekindergarten (VPK) Education Standards are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
 - The VPK standards help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
 - For children birth to the age of eligibility for the VPK program, Florida's Birth to Three Learning and Developmental Standards and the School Readiness Performance Standards may be used to guide the selection of curriculum, materials, and equipment.
- b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

- a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.
- b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.
- c. Teachers and related services personnel are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.
- d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.
- This section is not applicable for the district.

Part II. Policies and Procedures for Students with Disabilities**Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth to Five (5) Years**

This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §303.340

Sections 1003.03, 1003.21, and 1003.57, F.S.

Rules 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family of children with disabilities, ages birth through five (5) years, related to enhancing a child's development and the resources to provide early intervention services. A planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two (2) years. At the option of the district and with written parental consent, an IFSP may be used in lieu of an IEP for children with disabilities ages three (3) through five (5) years. Parent(s) must be provided with a detailed explanation of the differences between an IFSP and an IEP.

Procedures**1. Content of an IFSP**

The IFSP is in writing and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive development based on objective criteria;
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child with a disability;
- c. A statement of the measurable results or major outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, for children ages three (3) through five (5) years, the specially designed instruction and related services necessary to meet the unique needs of the child and the family, including the frequency, intensity, and method of delivering services;
- e. A statement of the natural environments in which early intervention services, or, for children ages three (3) through five (5) years, specially designed instruction and related services are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;
- f. The projected dates for initiation of services and the anticipated duration of such services; and
- g. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services. In meeting this requirement, the district may assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator.

2. Content of IFSPs for children ages birth through two (2) years

IFSPs developed for children with disabilities ages birth through two (2) years must also include:

- a. The frequency, intensity, and method of delivery of the early intervention services;

- b. The location of the early intervention services;
 - c. The payment arrangements, if any;
 - d. Other services to the extent appropriate; and
 - e. The steps to be taken to support the transition of the child, upon reaching age three (3), to preschool services for children with disabilities ages three (3) through five (5) years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:
 - Discussions with parent(s) regarding future placements and other matters related to the child's transition;
 - Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
 - With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented
3. Timelines and requirements for IFSPs
- a. Timelines for IFSPs developed for children ages birth through two (2) years include:
 - A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within forty-five (45) days from referral;
 - A review of the IFSP for a child and the child's family must be conducted every six (6) months or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.
 - b. The purpose of the periodic review is to determine:
 - The degree to which progress toward achieving the outcomes is being made; and
 - Whether modifications or revision of the outcomes or services are necessary.
 - c. A meeting is conducted on at least an annual basis to evaluate the IFSP and, as appropriate, revise its provisions. The results of any current evaluations, and other information available from the ongoing assessment of the child and family, are used in determining what services are needed and will be provided.
 - d. IFSP meetings are held in accordance with the following:
 - IFSP meetings are conducted in settings and at times that are convenient to families; and
 - In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.
 - e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.
 - f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.
4. Requirements for IFSPs for children ages three (3) through five (5) are in accordance with the requirements in 6A-6.03028, F.A.C.
5. Participants in IFSP meetings (ages birth through two (2) years)
- Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two (2) years include:

- a. The parent or parent(s) of the child;
 - b. Other family members as requested by the parent(s), if feasible to do so;
 - c. An advocate or person outside of the family, if the parent(s) request that the person participate;
 - d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;
 - e. For initial IFSP meetings, at least two (2) professionals from two (2) different disciplines directly involved in conducting the evaluations and assessments; for subsequent IFSP meetings, at least two (2) professionals from two different disciplines; and;
 - f. As appropriate, persons who will be providing services to the child or family.
6. If any of these participants are unable to attend a meeting, arrangements must be made for the person's involvement through other means, including:
- a. Participating in a telephone conference call;
 - b. Having a knowledgeable authorized representative attend the meeting; or
 - c. Making pertinent records available at the meeting.
7. Each periodic review provides for the participation of the persons listed above. If conditions warrant, provisions must be made for the participation of other representatives.
8. Participants in IFSP meetings (ages three (3) through five (5) years)
- Participants in IFSP meetings for children with disabilities ages three (3) through five (5) years include:
- a. The parent(s);
 - b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;
 - c. Not less than one special education teacher;
 - d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;
 - e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;
 - f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel; (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and
 - g. Whenever appropriate, the child.
9. Provision of services before evaluation and assessments are completed
- Early intervention services for a child with disabilities ages birth through two (2) years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:
- a. Parental consent is obtained;
 - b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and persons and the services that have been determined to be needed immediately by the child and the family; and
 - c. The evaluation and assessments are completed within forty-five (45) days from the referral
10. Financial responsibility

- a. For children ages birth through two (2) years, the school district is only responsible for the early intervention services specified and agreed to through the IFSP process.
- b. For children ages three (3) through five (5) years, the school district is only responsible for the provision of specially designed instruction and the related services necessary for the child to benefit from the specially designed instruction.

Part III.
Policies and Procedures for Students

Part III. Policies and Procedures for Students

Section A: Exceptional Student Education Eligibility for Students who are Gifted

This section is not applicable for the district.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through grade twelve (12) if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
 - a. The need for a special program
 - b. A majority of characteristics of gifted students according to a standard scale or checklist
 - c. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information Required

One of the following **must** be selected:

- The school district **has** a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in **Appendix C** of this document.
- The school district **does not have** a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
 - a. Need for a special instructional program
 - b. Characteristics of the gifted
 - c. Intellectual development
 - d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the EP may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

- a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
- b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
- c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to assure reasonable class size, adequate funds for materials and inservice training.

2. Curriculum

- a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
- b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
- c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
- d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
- e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

3. Instructional support

- a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
- b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
- c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
- d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System Associate Centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and [found eligible for gifted services](#).

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

One of the following **must** be selected:

- The school district has provided additional information for this section in **Appendix B** of this document.
- There is no additional information for this section.

Part III. Policies and Procedures for Students

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing EPs for students who are identified solely as gifted.

Note: IEPs rather than EPs are developed for those students who are gifted and are also identified as having a disability.

- a. The EP includes:

- A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on State and district assessments, and evaluation results
- A statement of goals, including benchmarks or short-term objectives
- A statement of the specially designed instruction to be provided to the student
- A statement of how the student's progress toward the goals will be measured and reported to the parents
- The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

- b. The EP team considers the following during development, review, and revision of the EP:

- The strengths of the student and the needs resulting from the student's giftedness
- The results of recent evaluations, including class work and State or district assessments
- In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

- c. Timelines for development of the EP include the following:

- An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
- An EP is developed within thirty (30) calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
- Meetings are held to develop and revise the EP at least once every three (3) years for students in grades K–8 and at least every four (4) years for students in grades 9–12.
- EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

- d. EP participants include:

- The parents, whose role includes providing strengths of the student, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting

- At least one teacher of the gifted program
- One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for review and revision of the subsequent EPs
- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

This district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

- a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
- b. Scheduling the meeting at a mutually agreed on time and place
 - i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
 - ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
 - Detailed records of telephone calls made or attempted and the results of those calls
 - Copies of correspondence sent to the parents and any responses received
 - Detailed records of visits made to the parent's home or place of employment and the results of those visits
 - iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

- a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
- b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

Part IV.
Policies and Procedures for Parentally-Placed Private

Part IV. Policies and Procedures for Parentally-Placed Private

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under Rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

- a. Activities

In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

- b. Cost

The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

- c. Completion period

The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

- d. Out-of-state students

The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services, including direct services

determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

- a. For children and students aged three (3) through twenty-one (21), an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).
- b. For children aged three (3) through five (5), an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three (3) through five (5) who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three (3) through five (5).
- c. Children aged three (3) through five (5) are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.
- d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process
- b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated
- c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services
- d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:
 - The types of services, including direct services and alternate service delivery mechanisms
 - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
 - How and when those decisions will be made
- e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

- a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.
- b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.
- c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

- a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate

and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

- b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.
- c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

- a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.
- b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.
- c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.
- d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

- a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.
- b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.
- c. The school district is not required to provide transportation from the student's home to the private school.
- d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

- a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.
- b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to DOE.

17. State complaints

- a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in Rules 6A-6.03011 through 6A-6.0361, F.A.C.

- b. A complaint filed by a private school official under this section will be filed with DOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

- a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.
- b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

- a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.
- b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

- a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.
- b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.
- c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.
- d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.
- e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private

Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.39, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six (6) months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the State a McKay Scholarship for the student to enroll in and attend a private school if:
 - a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
 - b. The student has spent the prior school year in attendance at a Florida public school or the FSDB. Prior school year in attendance means that the student was enrolled and reported by one of the following:
 - A school district for funding during the preceding October and February FEFP surveys in kindergarten through grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
 - The FSDB during the preceding October and February student membership surveys in kindergarten through grade 12
 - A school district for funding during the preceding October and February FEFP surveys, was at least four (4) years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
 - c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least sixty (60) days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while he or she is:
 - a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
 - b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;
 - c. Participating in a home education program as defined in s. 1002.01, F.S.;
 - d. Participating in a virtual school, correspondence school, or distance learning program that receives State funding pursuant to the student's participation, unless the participation is limited to no more than two (2) courses per school year;
 - e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

- f. Enrolled in the FSDB; or
- g. Not having regular and direct contact with his or her private school teachers at the school's physical location.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of twenty-two (22), whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than twenty-one (21) days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Offering parents an opportunity to enroll their student in another public school within their district if the parent requests information on the McKay public school option
2. Notifying parents of students with disabilities about the scholarship program by April 1st of each school year and within ten (10) days after an IEP team meeting or a 504 accommodation plan is issued
3. Informing parents of the availability of the Information Hotline and School Choice website
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the <http://www.floridaschoolchoice.org> website when logged in as a district administrator
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year
6. Notifying parents, within ten (10) days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is thirty (30) days after a filed intent
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within thirty (30) days of the parent's filed intent date that assigns the student to one of the three levels of service
Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams
9. Providing reevaluation notifications to parents of scholarship students at least once every three (3) years
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship
11. Reporting students who receive McKay Scholarship funding as 3518, which designates them as McKay private school students on the full-time equivalent (FTE) survey
12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than twenty-one (21) days
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan

14. Accepting a McKay student from an adjacent district if there is space available and there is a program in place that provides the services agreed to in the student's IEP

Part V.
Appendices

Part V. Appendices**Appendix A: General Policies and Procedures****1. Procedural Safeguards for Students with Disabilities**

One of the following **must** be selected:

- The Department of Education's *Notice of Procedural Safeguards for Parents of Students with Disabilities*, as posted on the Department's website.
- A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

Additional Attachment: N/A

2. Procedural Safeguards for Students Who Are Gifted

One of the following **must** be selected:

- The Department of Education's *Procedural Safeguards for Exceptional Students Who Are Gifted*, as posted on the Department's website.
- A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- This requirement is not applicable for the district.

Additional Attachment: N/A

Part V. Appendices**Appendix B: Unique Philosophical, Curricular, or Instructional Considerations**

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: See Attachment: 1-13-394

II.B.2 Deaf or Hard-of-Hearing

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.3 Developmentally Delayed

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.4 Dual-Sensory Impaired

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.5 Emotional or Behavioral Disabilities

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.6 Established Conditions

- Evaluations
- Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.7 Homebound or Hospitalized

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.8 Intellectual Disabilities

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.9 Orthopedic Impairment

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.10 Other Health Impairment

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.11 Traumatic Brain Injury

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.12 Specific Learning Disabilities

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: See Attachment: 1-13-435

II.B.13 Speech Impairments

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.14 Language Impairments

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.15 Visually Impaired

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.16 Related Services – Occupational Therapy

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.B.17 Related Services – Physical Therapy

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.C. Individual Educational Plans

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

II.F. Prekindergarten Children with Disabilities

- Evaluations

- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

III.A. Gifted

- Evaluations
- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: See Attachment: 1-13-444

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

This section is not applicable for the district.

1. Current Status

Provide the following data:

Total Student Population

Number of All Students 353,152

Number of Gifted Students 37,238

Percent of Gifted Students* 10.5%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Number of All Students 73,724

Number of Gifted Students 2,338

Percent of Gifted Students* 3.2%

Low Socio-Economic Status Family

Number of All Students 257,849

Number of Gifted Students 16,331

Percent of Gifted Students* 6.3%

* Percent of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category

2. District Goal

Provide the district's goal to increase the participation of students from under-represented groups in programs for students who are gifted, including which category(ies) are targeted:

Miami-Dade County Public Schools' vision of gifted education is to provide access to excellence. Through Advanced Academic Programs, the mission is to nurture academically talented students through programs that provide for the maximum development of each student's academic talents as demonstrated by a need for differentiated services, successful classroom performance, and educational opportunities that are challenging, accelerated, enriched, and innovative. The goal of the District Plan to Increase the Participation of Underrepresented Students in the Gifted Program is to reflect a proportionate participation of limited English proficient students and students from low socio-economic status families, as measured by students' eligibility for the government-subsidized free and reduced lunch program, by ensuring equal and equitable access for these students to gifted programs and educational services.

The district's plan addressing each of the following areas is included as an attachment: See Attachment: 1-13-309

3. Screening and Referral Procedures

- A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation

4. Student Evaluation Procedures

- A description of the evaluation procedures and measurement instruments that will be used

5. Eligibility Criteria

- A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment

6. Instructional Program Modifications or Adaptations

- A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted

7. District Evaluation Plan

- A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices**Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion**

This section is not applicable for the district.

Select from the following:

The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

District documentation: N/A

The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

District documentation: N/A

Part V. Appendices**Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools**

This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Appendix B: Unique Philosophical, Curricular or Instructional Considerations

(Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder)

A comprehensive psychological evaluation assesses present levels of performance and uneven patterns of development in language, social interaction, adaptive behavior and cognitive skills and must address the following domains:

- (1) cognitive processes;
- (2) academic functioning and/or developmental levels;
- (3) behavioral functioning;
- (4) social-emotional functioning; and,
- (5) adaptive behavior.

Appendix B: Unique Philosophical, Curricular or Instructional Considerations

(Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities)

School psychologists conduct an observation as a part of the observation requirement.

Miami-Dade County Public Schools
Unique Philosophical, Curricular or Instructional Considerations for
Gifted Programs

The School Board of Miami-Dade County, Florida recognizes the special needs of gifted learners and is committed to offering programs that provide maximum development of each student's academic talents. Instructional programs for gifted students emphasize acceleration and enrichment based on students' strengths and needs as indicated by their giftedness. The philosophical focus of the gifted program promotes increased access, rigor, and achievement.

Miami-Dade County Public Schools (M-DCPS), Gifted Education Program emphasizes a quantitatively differentiated curriculum based on content, concepts, processes, and applications through products/projects in language arts, mathematics, science and/or social studies. Such a differentiated curriculum provides for in-depth consideration of topics and concepts beyond the requirements of regular courses, and therefore, is designated as an academically accelerated program.

The curriculum for the gifted student assures access to the general curriculum, with emphasis on what the Educational Plan (EP) team determines will offer opportunities for growth for the gifted learner based on the student's strengths and present level of performance. Therefore, the curriculum for gifted students reflects Florida's Next Generation Sunshine State Standards and Common Core Standards through the implementation of the District's Pacing Guides and the Gifted Goals and Objectives identified in the students' EPs. These include, but are not limited to, the important concepts of: critical thinking, creative thinking, developing independence in learning, personal growth, leadership skills, research skills, and problem solving.

In order to implement the curriculum for the gifted, specific instructional strategies include an effective and differentiated approach designed for the abilities of gifted students. The following curriculum differentiation strategies are in place to ensure that each individual student progresses in the curriculum to the maximum extent appropriate.

- Curriculum Compacting - involves eliminating the repetition of work that has already been mastered and streamlining lessons that can be mastered at a pace commensurate with the student's motivation and ability.
- Independent Study - opportunity for students to pursue areas of personal interest or to individually investigate course topics.
- Enrichment Clusters - learning situations that are purposefully designed to produce a product or service that will have an impact on an intended audience.
- Learning Centers - a physical area of the classroom that is organized with various materials and learning experiences for specific instructional purposes.
- Flexible Grouping - grouping of students according to their learning needs, strengths, and preferences.

Miami-Dade County Public Schools Unique Philosophical, Curricular or Instructional Considerations for Gifted Programs

A range of service delivery options are available to meet each M-DCPS gifted student's special needs based on the student's Educational Plan (EP) and are provided with administrative support to assure adequate funds for materials and professional development. The following delivery models are available for M-DCPS students in all elementary, middle, and senior high schools.

- Elementary Content Part-time Gifted Program (K-5/6) - students attend the gifted program for a block of time from 1 to 2.5 hours each day. They receive a total of 5 to 12 hours of gifted services per week and interdisciplinary instruction around selected basic subjects (Mathematics, Science, Social Studies, and/or Language Arts/Reading). All of the students in the gifted course are eligible for gifted services and the teacher is endorsed to teach gifted or on an approved waiver to complete the gifted endorsement.
- Elementary Full-time Gifted Program (K-5/6) - students are served in a self-contained classroom in which gifted strategies are utilized throughout the school day and across all subject areas. All of the students in the gifted course are eligible for gifted services and the teacher is endorsed to teach gifted or on an approved waiver to complete the gifted endorsement.
- Middle School Gifted Program (6-8) - offer gifted content area courses (Mathematics, Science, Social Studies, and/or Language Arts/English) and/or State-approved middle school gifted elective courses. All of the students in the gifted course are eligible for gifted services and the teacher is endorsed to teach gifted or on an approved waiver to complete the gifted endorsement.
- Senior High Gifted Program (9-12) - offer gifted content area courses (Honors and/or Advanced Placement) and/or State-approved high school gifted elective courses. All of the students in the gifted course are eligible for gifted services and the teacher is endorsed to teach gifted or on an approved waiver to complete the gifted endorsement.
- Senior High Gifted Consultation (9-12) - general education teachers and teachers of the gifted meet regularly to plan, implement and monitor instructional alternatives designed to ensure that the gifted students achieve successful accomplishment of gifted goals in the Advanced Placement, Honors, International Baccalaureate or other academically rigorous programs. Gifted students are not assigned to a gifted course, rather receive consultation services from a teacher who is endorsed to teach gifted or on an approved waiver to complete the gifted endorsement.

For gifted students receiving educational services through a hospital/homebound or alternative education setting, gifted services K-12 will be provided through a gifted consultation model.

Gifted students need a complex physical environment that includes a balance between the books and materials used in the general classroom and supplemental instructional materials to help meet their needs as gifted learners. Materials for gifted students in

Miami-Dade County Public Schools
Unique Philosophical, Curricular or Instructional Considerations for
Gifted Programs

M-DCPS address an integrated or thematic approach designed to respond to gifted learners' characteristics of precocity, intensity, and complexity through advanced content, higher level processes and product development, and interdisciplinary concepts, issues, and themes. Gifted students are exposed to District-adopted core curriculum materials, as well as supplemental materials to address their abilities, learning styles, and interests.

Miami-Dade County Public Schools
Plan B: District Plan to Increase the Participation of
Underrepresented Students in the Program for Gifted Students

Gifted State Board Rule

State Board Rule 6A-6.03019, FAC, *Special Instructional Programs for Students Who Are Gifted*, defines a gifted student as one who has superior intellectual development and is capable of high performance. The criteria for eligibility under this rule require that students meet the criteria under paragraph (a) or (b) of this rule.

(a) The student demonstrates:

1. Need for a special program.
2. A majority of characteristics of gifted students according to a standard scale or checklist, and
3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.

(b) The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students. For the purpose of this rule, under-represented groups are defined as groups:

- Who are limited English proficient, or
- Who are from a low socio-economic status family.

District Plan

Miami-Dade County Public Schools' (M-DCPS) vision of gifted education is to provide access to excellence. Through Advanced Academic Programs, the mission is to nurture academically talented students through programs that provide for the maximum development of each student's academic talents as demonstrated by a need for differentiated services, successful classroom performance, and educational opportunities that are challenging, accelerated, enriched, and innovative. The goal of the *District Plan to Increase the Participation of Underrepresented Students in the Gifted Program* is to reflect a proportionate participation of limited English proficient students and students from low socio-economic status families, as measured by students' eligibility for the government-subsidized free and reduced lunch program, by ensuring equal and equitable access for these students to gifted programs and educational services. Of the 37,238 gifted students in M-DCPS in 2012-2013, 16, 331 or 44% of the gifted students were eligible for free/reduced lunch and 2,338 or 6% of gifted students were limited English proficient.

Screening and Referral Procedures

Miami-Dade County Public Schools' (M-DCPS) gifted screening process includes the development of a talent pool of students who demonstrate exceptional ability. Students should be screened using two or more of the following criteria:

- High academic achievement, as indicated by standardized test 89 percentile or higher or FCAT 2.0/EOC Level 4 or 5 or course work grades of A or B
- Above average creative output in artistic, literary, scientific, or mathematics endeavors
- Very rapid learning rate or unusually insightful conclusions

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- Multiple nominations from teachers and staff who observe unique talent
- Parental reports of advanced developmental behavior, such as early reading, verbal precocity and use of complex syntax, or evidence of mechanical aptitude
- Outstanding academic, creative, or leadership abilities, self-reported or peer-reported.

In addition, all LEP students that have achieved a grade of A or B in English for Speakers of Other Languages (ESOL) or home language arts (i.e., Spanish language arts, Haitian-Creole language arts) and mathematics are screened for gifted. Bi-annually, Advanced Academic Programs provides schools with a report from Information Technology Services (ITS) that includes the names of LEP students meeting gifted screening criteria to each school.

A referral for gifted education can be made by a teacher, a parent/guardian, or any qualified individual who has knowledge of student's abilities. A student profile is developed for a student being referred to the School Support Team (SST). The student profile includes the following:

- Gifted Characteristics Checklist (FM 7051) - Students must demonstrate a majority of gifted characteristics on the rating scale to continue in the process; and
- Information that can be utilized to demonstrate the student's ability and need for gifted program services. This information may include, but is not limited to:
 - (a.) standardized test scores; (*Note: A standardized achievement test is administered to potential Plan B students who do not have *Stanford Achievement Test* or *FCAT* scores; additionally, the *Aprندا* can be used to measure the achievement of Spanish-speaking ESOL students*)
 - (b.) classroom performance indicators such as report card grades, class work, and/or projects.

An SST meeting is convened in order to review the information gathered in the student's profile. Based on the supporting documentation and a majority of gifted characteristics as measured by the *Gifted Characteristics Checklist*, the SST makes the determination of whether or not to continue the evaluation process,

Student Evaluation Procedures

Miami-Dade County Public Schools' *District Plan to Increase the Participation of Underrepresented Students in the Gifted Program* (Gifted Plan B Matrix) utilizes four indicators of giftedness to determine eligibility for students in underrepresented groups:

- The Gifted Characteristics Checklist is used to determine students' verbal, learning, motivational, and social/leadership abilities. The Gifted Characteristic Checklists used in M-DCPS are developmentally appropriate for K-12 students based on current research and scored using a Likert-scale. The M-DCPS Gifted

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Characteristic Checklists (FM 7051) are available through the Employee Portal under *Records and Forms* and is completed by the student's teacher.

- A variety of standardized academic achievement test data is used in the M-DCPS Gifted Plan B Matrix depending on the student's grade level. For students in Kindergarten, the District will consider student performance on the Reading Comprehension or Mathematics Applications/Concepts and Problem Solving subtests of the *Iowa Tests of Basic Skills – Form C (ITBS)*. For students in grades one (1) through 3 (three), the District will consider student performance on the Reading Comprehension or Mathematics Applications/Concepts and Problem Solving subtests of the *Stanford Achievement Test-Tenth Edition (SAT-10)* or the *Iowa Tests of Basic Skills – Form C (ITBS)*. Spanish-speaking LEP students in K-12 can be administered the *Aprenda II* Spanish language achievement test. For students in grades four (4) through twelve (12), the District will consider student performance on the Reading or Mathematics subtests of the *Florida Comprehensive Assessment Test 2.0 (FCAT-2.0)* based on the grade-level Developmental Scale Score. Additionally, with the implementation of the End of Course (EOC) exams, new Matrix scales have been developed to correlate to the Plan B percentiles for academic achievement.
- To determine the intellectual development of a potentially gifted student, a licensed psychologist will administer an individualized test of intelligence, including, but not limited to the *Wechsler Intelligence Scale for Children-Fourth Edition (WISC-IV)*, *Stanford-Binet Intelligence Scale-Fifth Edition (SB)*, *Differential Ability Scales-Second Edition (DAS)*, *Kaufman Assessment Battery for Children-Second Edition (KABC)*, *Reynolds Intellectual Assessment Scale (RIAS)*, *Universal Nonverbal Intelligence Test (UNIT)*, and the *Wechsler Nonverbal Scale of Ability (WNV)*.
- The *Williams Creativity Scale* is used to determine creativity. The *Williams Creativity Scale* is an assessment of creativity completed by the student's teacher. It contains 48-items assessing originality, fluency, flexibility, elaboration, curiosity, imagination, complexity, and risk taking.

Additionally, all students must display a need for a special program and a majority of the characteristics of gifted children as measured by the *Gifted Characteristics Checklist* in order to be determined eligible for gifted programs.

Eligibility Criteria

To meet eligibility under the *District Plan to Increase the Participation of Underrepresented Students in the Gifted Program (Plan B)*, a student must obtain a total of nine points in three of the four categories on the matrix scoring system with a minimum score of 112 in the Intelligence Quotient category. Attached are the forms titled *Gifted Eligibility Determination Form for Use with Underrepresented Students*.

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Due to the unique grade-level data available, there is one form for Kindergarten (FM 7083), one form for grades 1-3 (FM 7082), and one form for grades 4-12 utilizing percentile scores on academic achievement tests (FM 7081). Use of the FCAT SSS has been discontinued; therefore, the District developed a substitute for judging student's academic achievement utilizing the FCAT 2.0 and EOC scores. A detailed explanation and evaluation for substituting FCAT 2.0 and EOC scores for FCAT SSS scores in the District's Plan B Matrix Scoring System is described in the *Research Note* developed by the M-DCPS Research Services, Office of Assessment, Research, and Data Analysis (Vol. 1201, August 2012). This *Research Note* is available at: <http://drs.dadeschools.net/ResearchNotes/RN.asp> Grade-level specific Plan B Matrix forms have been developed to reflect the new range scores of the FCAT 2.0 Developmental Scale Scores and End of Course exams (FM 7009, 7010, 7013, 7014, 7017, 7019, 7049, 7349). These new forms are available through the Employee Portal under *Records and Forms*.

Instructional Program Modifications and/or Adaptations

To address the unique academic needs of underrepresented students, curriculum in the gifted program is designed to:

- Encourage students to understand their learning process, particularly for higher-level cognitive tasks such as problem-solving, critical thinking, and creativity;
- Utilize interactive strategies and materials to enhance language skills with special emphasis on LEP students;
- Nurture curiosity and interest by encouraging students to gather information on a variety of topics.

The process used to identify students in need of gifted services in M-DCPS is on-going, reliant on a variety of assessment measures, free of bias, and non-exclusionary. Strategies are employed to identify students from groups traditionally underrepresented in gifted programs.

District Evaluation Plan

Greater participation of students in gifted and advanced courses, especially those from underrepresented groups is a goal of Miami-Dade County Public Schools. Since implementing the School Board approved *Revamping Education for Gifted and All Learners* (REGAL) Plan, the District has worked to increase opportunities for the identification of potentially gifted students from traditionally underrepresented groups and improve the access and quality of gifted and advanced academic programs throughout the District.

In addition to professional development for teachers, parents, and administrators, focusing on gifted screening, referral, evaluation, and services, Advanced Academic Programs generates quarterly and annual reports through the Office of Information Technology (OIT) and Assessment and Data Analysis to monitor student screening,

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referral, evaluation and placement timelines, identification for gifted programs, and assesses student progress and academic achievement in gifted programs.

These efforts guarantee compliance with the *Post Unitary Status Plan of Action* and the *Florida Educational Equity Act* and provide a mechanism for formative and summative evaluation of the *District Plan to Increase the Participation of Underrepresented Students in the Gifted Program*. These focused procedures strengthen the mission of providing access and equity for all students.