



## POLICY 5.725

**4-C** I recommend that the Board adopt the proposed revised Policy 5.725, entitled “Exceptional Student Education Policies and Procedures (SP&P).”

[Contact: Jeff Silverman, PX 48626.]

### Adoption

### CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on May 2, 2012.
- This policy codifies the Board’s obligation to submit to Florida Department of Education, every three years, its “Exceptional Student Education Policies and Procedures (SP&P)”.
- The SP&P document, attached and incorporated into the policy, has been recently amended by the Florida Department of Education (FDOE), to incorporate revisions to some of the State Board of Education Rules and Florida Statutes.
- This is a summary of the revisions to the *Exceptional Student Education Policies and Procedures* document (SP&P) 2009-2010 through 2011-2012. There are nine (9) sections to the document that have been revised pursuant to the directive of the Florida Department of Education (FDOE). Below are the sections and page numbers of the SP & P document that have been modified:
  - Legal Requirements – (Pages 4 a-n) *Use of restraint and seclusion on students with disabilities*
    - Additional information required in incident reports
    - Requires state standards for documentation, reporting and monitoring
    - Requires information about training and selection of personnel to be trained
    - Requires a plan for reducing the use of restraint and seclusion
  - Assurance Section – (Pages 7-8e) *Contractual Agreements with Non-Public Schools and Residential Facilities*

- Addresses provision of contractual agreements for infants and toddlers served and early intervention services
- Revises content of the contract
- Removes quarterly reporting requirement and requires reporting on progress in meeting annual goals
- Adds provision on the reporting to use of restraint and seclusion
- Surrogate Parents – (Pages 16-17a)
  - Substantial rewrite given s. 39.0016, F.S.
  - Surrogate to be appointed by the superintendent for a student who is eligible or suspected of being eligible within 30 days of determining need
  - A judge may appoint surrogate parents for students who are wards of the state
  - Surrogates may be compensated by districts
  - Staff of emergency shelters or other street outreach programs may be temporary surrogates for homeless youths
- Student Evaluations and Reevaluations – (Pages 27-31b)
  - Assistive technology devices: If the IEP team makes a recommendation that a student with a disability receive an assistive technology assessment, that assessment must be completed within sixty (60) school days after the team's recommendation
- Evaluation Instruments – (Pages 34-50)
  - Updates to evaluation instruments used by districts
- Discipline – (Pages 104-109h) *Discipline Procedures for Student with Disabilities*
  - Adds “school” before “days” in required timeline for manifestation determination to be consistent with federal requirements
- Participation in State and District Assessments – (Pages 110-112b)

- Provides for end-of-course (EOC) assessment waiver for students with disabilities who meet specific criteria
- John M. McKay Scholarships for Students with Disabilities Program (Pages 134-135a)
  - Makes McKay Scholarships available to students with 504 Plans
  - Makes McKay Scholarships available to students with 504 Plans
- General Policies and Procedures – (Page 137, Appendix A)
  - Update to Department of Education’s *Notice of Procedural Safeguards for Parents of Students with Disabilities*: timeline for manifestation determination review ten (10) school days rather than ten (10) calendar days per revision to discipline rule and update in Commissioner’s name
- The SP&P reflects the revisions required by the Florida Department of Education (FDOE) and were recently approved by FDOE

**POLICY 5.725**

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

**1. Purpose**

The School Board of Palm Beach County (Board) desires to ensure the School District's compliance with Fla. Stat. § 1003.57(1)(a) 4 and State Board of Education Rule 6A-6.03411, requiring once every three years, for the School District to submit to the Department of Education its proposed procedures for the provision of special instruction and related services for exceptional students.

**2. General Statement of Policy**

The School Board hereby adopts and approves for the Palm Beach County School District the "Exceptional Student Education Policies and Procedures (SP&P) with effective dates of 2009-2010 through 2011-2012", as may be amended or updated by or at the direction of the Department of Education or State Board of Education, as attached and incorporated by reference. A copy of the [Student Education Policies and Procedures \(SP&P\)](#) document is available in the District's ESE Department and is online on the District's ESE Department's website.

**3. Responsibility**

a. Questions concerning this policy should be directed to the Department of Exceptional Student Education.

b. The Superintendent is responsible for ensuring that this policy is followed.

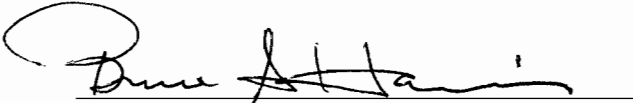
STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(25)

LAWS IMPLEMENTED: Fla. Stat. §§ 1001.42(4)(l); 1003.57(1)(a)4; 1003.438; 1008.25

HISTORY: 3/28/2007; 12/5/07; 8/12/2009; 3/30/2011-ER; 7/27/2011; \_\_\_/\_\_\_/2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.725 and finds it legally sufficient for adoption by the Board.

  
\_\_\_\_\_  
Attorney

6/5/12  
\_\_\_\_\_  
Date

Return Date:

Return to: Administrator  
Bureau of Exceptional Education and Student Services  
ESE Program Administration and Quality Assurance  
325 West Gaines Street, Suite 614  
Tallahassee, Florida 32399-0400

**FLORIDA DEPARTMENT OF EDUCATION**  
**DIVISION OF K-12 PUBLIC SCHOOLS**  
**BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES**

**School District**

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

**EFFECTIVE DATES:**

2009-2010 through 2011-2012

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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.)  
 Rule 6A-6.03411, Florida Administrative Code (F.A.C.)

**Requirement Related to Exceptional Student Education (ESE) Policies and Procedures**

For a school district or agency under contract to the Florida Department of Education (FDOE) 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 the Bureau 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 Individuals with Disabilities Education Act (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 *Exceptional Student Education Policies and Procedures* (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**

House Bill 1255, which became effective on July 1, 2011, amended s. 1003.573, F.S., *Use of restraint and seclusion on students with disabilities*. This amendment revised the guidelines for documentation, reporting, and monitoring requirements; revised the required content of the districts' SP&Ps; and required that the FDOE establish standards for documenting, reporting, and monitoring the use of manual or physical restraint and occurrences of seclusion. These standards were required to be provided to school districts by October 1, 2011, and are included in this document. Districts must submit their revisions to the SP&P related to the use of restraint and seclusion with students with disabilities **no later than January 31, 2012**.

- \_\_\_\_\_ A. The district will submit its revised procedures for **documentation, reporting, and monitoring** the use of restraint and seclusion with students with disabilities to the Bureau via an amendment to its SP&P **no later than January 31, 2012**. If this option is selected, **the district must address and submit the other amended sections of the SP&P no later than November 30, 2011**.
- \_\_\_\_\_ B. The district's revised procedures for **documentation, reporting, and monitoring** the use of restraint and seclusion with students with disabilities are provided, and all related sections of the SP&P have been completed.

**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 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 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:

- A. In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of physical restraint that remains unchanged since submission of the SP&P in 2010–11. This policy is included in **Appendix D**.
- B. In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of physical restraint that is new or revised since submission of the SP&P in 2010–11. This policy is included in **Appendix D**.
- C. 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:

- A. In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of seclusion that remains unchanged since submission of the SP&P in 2010–11. This policy is included in **Appendix D**.
- B. In addition to this SP&P document, the district **has** a written policy regarding **allowable use or prohibition** of seclusion that is new or revised since submission of the SP&P in 2010–11. This policy is included in **Appendix D**.
- C. 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 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 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 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:
    - i. The context in which the restraint or seclusion occurred
    - ii. 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
    - iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
    - iv. What occurred with the student immediately after the termination of the restraint or seclusion
    - v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
    - vi. 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) data collection and reporting, (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.

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

Procedures must include the following:

- How parents are provided written notice on the day the restraint or seclusion occurred
- The person (by role or title) responsible for preparing the written notice
- How reasonable efforts are made on the day of the incident to contact the parent by phone or email or both
- 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

Procedures must include the following (continued):

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

Procedures must include the following:

- The person (by role or title) responsible for preparing the incident report
- How parents are provided a copy of the incident report within three school days of the incident
- 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

3. Describe the district's data collection and reporting procedures.

Procedures must include the following:

- The person (by role or title) responsible for collecting and reporting data within the school and district, and to whom it is reported (e.g., principal, ESE director, superintendent)
- The timelines for data collection and reporting within the district

4. Describe the district's procedures for monitoring data collection/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.

Procedures must include the following:

- 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; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report
- 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
- 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



Monitoring data collection/reporting (continued):

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.

Procedures must include the following:

- The programs that are used by the district 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.
- How the district implements professional development on the selected training program(s).
- How the district maintains records on the training of personnel with regard to restraint and seclusion.
- If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.
- The district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The district's plan for training (continued):

6. The district is required to have a plan for reducing the use of restraint and seclusion, particularly in settings in which 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. Activities may include, but are not limited to:
- 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 the district's plan for reducing the use of restraint and seclusion, including descriptive information for each activity.

- Describe baseline data (2010–11 or more current) for rates and settings of restraint and seclusion, and for students who are restrained or secluded.
- Establish a measurable goal for reducing the use of restraint and seclusion within the effective dates for this SP&P.
- Does the district use prone restraint? If so, include a plan for reducing the use of prone restraint. **(REQUIRED)**
- Does the district use mechanical restraint? If so, include a plan for reducing the use of mechanical restraint. **(REQUIRED)**
- Describe the data reviewed **(REQUIRED)** and the problem-solving process used to develop the district's plan to reduce the use of restraint and seclusion.
- Activities to consider for the purpose of reducing the use of restraint and seclusion. Describe each activity selected.
  - Implement student-specific strategies such as: reviewing individual educational plans (IEPs)/ Section 504 plans; conducting evaluations/reevaluations and FBAs; evaluating effectiveness of PBIPs and health care plans specific to individual students' responses/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.
  - Other proposed activities.

The district's plan for reducing the use of restraint and seclusion (continued):

The district's plan for reducing the use of restraint and seclusion (continued):

**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 through 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.

**Ages of Students Served**

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

- Provide services until the day the student turns 22
- Provide services until the end of the semester in which the student turns 22
- Provide services until the end of the school year in which the student turns 22

**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, Florida Administrative Code (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. The following written agreements are on file for the provision of special education and related services **to this district's** exceptional students through multi-district programs:

No additional information is included below.     Additional information is included below.

District Providing Services

Types of Exceptional Student Education Services Provided

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

____ No additional information is included below.		____ Additional information is included below.	
<u>District Receiving Services</u>		<u>Types of Exceptional Student Education Services Provided</u>	

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

____ No additional information is included below.		____ Additional information is included below.	
<u>Name of Agency</u>		<u>Instructional Personnel Assigned</u>	



**Contractual Arrangements with Nonpublic Schools and Residential Facilities**

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 individual educational plan (IEP) may reflect that the 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 nonresidential 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), Florida Statutes (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, Florida Administrative Code (F.A.C.), or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in 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.
  - c) Obtains sanitation and health certificates and fire inspections.
  - d) 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.
  - e) 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.
  - f) Has written procedures for admission, dismissal, and separation of students, if appropriate.
  - g) 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.
  - h) 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.

- i) 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).
- j) 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 nonattendance 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.

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

1. 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.

2. 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.
3. 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.

#### **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 pages 7-8a.
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 who are 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 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)."

<p>_____ A. The district contracts for special education and related services with nonpublic schools, residential facilities, and/or community facilities. Information is provided on the following page.</p> <p>_____ B. The district does <b>not</b> contract for special education and related services with nonpublic schools, residential facilities, and/or community facilities. No additional information is required.</p>
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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
- 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.
- 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

District responsibilities related to contractual agreements (continued):

**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) the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 Code of Federal Regulations (CFR) 300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is the out-of-school child aged birth through 21. FDLRS also serves as a link between 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.

### **Confidentiality of Student Records**

In accordance with 34 CFR 300.614, s. 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:

#### 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 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. Free Appropriate Public Education (FAPE)

The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 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 22; 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

Students 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 disabilities. By the student'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), the designated lead agency for Part C.

9. Revised 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 contained in the ESE Guaranteed Allocation component of the FEFP.

**Coordinated Early Intervening Services (CEIS) (Required)**

1. The school district assures, as applicable, if the school district has been determined by the Department of Education to have disproportionate data by race/ethnicity with respect to the 1) identification of children with disabilities, 2) placement of these children in particular educational settings, and 3) disciplinary actions, including suspensions and expulsions, that the school district will reserve the maximum allowed for intervening services (15%) to provide comprehensive coordinated early intervening services to serve children in the school district, particularly, but not exclusively, children in those groups that were significantly over-identified.
2. School districts must publicly report on the revision of policies, practices, and procedures with respect to identification, placement, and disciplinary actions taken of these children.

**Coordinated Early Intervening Services (CEIS) (Voluntary)**

1. The school district assures that no more than 15% of funds may be used to develop and implement activities that support coordinated early intervening services for students in grade K-12 who have not been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.
2. In addition to direct services to students, activities may include professional development for teachers to support delivery of scientifically based academic instruction and behavioral interventions.

3. Annual reports identifying the number of children served and the number of children served who subsequently received special education and related services are required.

(Note: The amount of funds expended by the school district for early intervening services shall count toward the maximum amount that Maintenance of Effort (MOE) may be reduced.)

**National Instructional Materials Access Center (NIMAC)**

1. The school district assures compliance with 20 U.S.C. 1413, 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**

Title 34 Code of Federal Regulations (CFR) § 300.500 – 300.536  
Sections 1003.57 and 1002.22, Florida Statutes (F.S.)  
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, Florida Administrative Code (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.

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.

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

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

2. Procedural safeguards for exceptional students who are gifted

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

- A. The district will use the Department of Education's *Procedural Safeguards for Exceptional Students who are Gifted*, located in **Appendix A.2**.
- B. The district will use a different notice of procedural safeguards for parents of students who are gifted. A copy of this notice is located in **Appendix A.2**.

**Part I. General Policies and Procedures**

**Section C.2: Parental Revocation of Consent for Special Education and Related Services**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (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. Revocation of consent constitutes dismissal from exceptional student education (ESE) services as a student with a disability.
6. The district is not required to convene an individual educational plan (IEP) team or develop an IEP for further provision of special education and related services for the student.
7. 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.
8. The district will not be considered to be out of compliance with the Individuals with Disabilities Education Act (IDEA) for failure to provide a free appropriate public education (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) 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**

Title 34 Code of Federal Regulations (CFR) § 300.520 and § 300.320  
Section 393.12, Florida Statutes (F.S.)  
Rules 6A-6.03028 and 6A-6.03311, Florida Administrative Code (F.A.C.)

**Procedures**

1. When a student with a disability reaches the age of 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 18<sup>th</sup> birthday, the district will inform the student of his or her rights under Part B of the Individuals with Disabilities Education Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan (IEP) will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 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 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 18<sup>th</sup> birthday.
4. For a student with a disability who has attained age 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 (one of the following):
  - 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.

<b>Part I. General Policies and Procedures</b>
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<b>Section D: Surrogate Parents</b>
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**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §300.519  
 Sections 39.0016 and 1002.22, Florida Statutes (F.S.)  
 Rule 6A-6.0333, Florida Administrative Code (F.A.C.)

**Definition**

A surrogate parent is an individual appointed to act in the place of a parent in educational decisionmaking and in safeguarding a student's rights under the Individuals with Disabilities Education Act 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.

Describe the district's procedures for the following:

- Determining when a student with a disability needs a surrogate parent
- Recruiting and training surrogate parents, including those surrogates appointed by a judge



**Part I. General Policies and Procedures**

**Section E: Individual Educational Plans (IEPs) and Educational Plans (EPs) for Transferring Exceptional Students**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.323  
Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.0334, Florida Administrative Code, (F.A.C.)

**Definition**

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school or agency and who is enrolling in a 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. Individual educational plans (IEPs) or educational plans (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 school district (in consultation with the parents) will provide a free appropriate public education (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 either 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 new school within the same school year, the school district (in consultation with the parents) will provide the child with FAPE (including services comparable to those described in the child'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. (if determined to be necessary by the school district)
- 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.

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.

4. Transmittal of records

To facilitate the transition for a child 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 child, from the previous school district in which the child was enrolled, in accordance with 34 CFR 99.31; and the previous school district in which the child 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**

Title 34 Code of Federal Regulations (CFR) § 300.154  
Rule 6A-6.03028, Florida Administrative Code (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 a free appropriate public education (FAPE) to an eligible student under the Individuals with Disabilities Education Act (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 a 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 each time that access to public benefits or insurance is initially sought and notify parents that the parents' refusal to allow access to their public benefits or insurance does not relieve the school district of its 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 Referral**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.302, 300.306, and 300.308–300.310  
Sections 1008.25 and 381.0056, Florida Statutes (F.S.)  
Rules 6A-6.0331 and 6A-6.03411, Florida Administrative Code (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. Referral 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 and/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 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 and diagnostic screenings
  - 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 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) A vision screening is conducted in accordance with the school district's school health plan. A medical eye report takes the place of a vision screening report.
    - Students being considered for exceptional student programs, excluding gifted and hospital/homebound who may be screened on a referral basis, will be screened for the

purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress.

- Instruments used for vision screening include, but are not limited to:

- i. Near Vision Test for Children
- ii. New York Flash Card Vision Test
- iii. Snellen Eye Chart
- iv. Titmus Vision Test
- v. Keystone Telebinoc

- c) A hearing screening is conducted in accordance with the school district's health plan.

- Students being considered for exceptional student programs, excluding gifted and hospital/homebound who may be screened on a referral basis, must be screened for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress.
- Instruments used for hearing screening include, but are not limited to:
  - i. Pure tone audiometric screening
  - ii. Impedance screening

5. Implementation of evidence-based interventions

The school district implements evidence-based interventions addressing the identified areas of concern in the general education environment. Develop the interventions selected for implementation through a process that uses student performance data to identify and analyze the area of concern. Select and implement interventions, and monitor the effectiveness of the interventions. Interventions shall be implemented as designed for a reasonable period of time and with a level of intensity that matches the student's needs. Collect and communicate to the parents in an understandable format the pre-intervention and ongoing progress monitoring measures of academic and/or behavioral areas of concern.

6. Exceptions to requirement for general education interventions

The general education interventions described above are not required for students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.; or 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.; or for students who are not enrolled in a public school. The general education interventions described in paragraphs 1, 2, and 5 above 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/behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team that comprises 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.

**Additional Information Required:**

The district's procedures for conducting required general education interventions are described below.

## **Referral Procedures**

Prior to a referral 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:

1. For students who present speech disorders; severe cognitive, physical, or sensory disorders; and/or severe social/behavioral deficits that require immediate attention in order to prevent harm to the student or others, the implementation of evidence-based interventions (including the parent involvement in the intervention procedures) and the observations of the student would be inappropriate in addressing the immediate needs of the student.
2. The activities described in the general education intervention procedures above have been implemented, but have been unsuccessful in addressing the areas of concern for the student
3. The parents of the child receiving general education interventions requested, prior to the completion of the interventions, that the school conduct an evaluation to determine the child's eligibility for specially designed instruction and related services as a student with a disability. In this case, the activities described in the general education interventions procedures are completed concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction.

### **Additional Information Required:**

1. Procedures for referring students who may have disabilities and students who may be gifted who are enrolled in the public school system and the personnel responsible:

(continued)

2. Procedures for referring students who are enrolled in nonpublic schools or agency programs and the personnel responsible:



3. Procedures for referring students who are not enrolled in any school and the personnel responsible:

**Part I. General Policies and Procedures**

**Section H: Student Evaluations and Reevaluations**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§300.300–300.305

Chapter 490, Florida Statutes (F.S.)

Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, and 6A-6.03411, Florida Administrative Code (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 all initial evaluations necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
  - b) Evaluation specialists include, but are not limited to, persons such as physicians, school psychologists, psychologists, speech/language pathologists, teachers, audiologists, and social workers, with each such person licensed in the professional's field as evidenced by a valid license or certificate to practice such profession in Florida.
  - c) Educational evaluators not covered by a license or certificate to practice a profession in Florida either hold a valid Florida teacher's certificate or are employed under the provisions of Rule 6A-1.0502, F.A.C.
  - d) 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.
  - e) The standardized assessment of adaptive behavior includes parental input regarding the student's adaptive behavior.
2. Evaluation timelines
  - a) 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) 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 60 school days (cumulative) of which the student is in attendance, after the school district's receipt of the 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 makes every effort to complete evaluations for students suspected of being gifted within the timeframe described below.

Describe the district's timeframe for gifted evaluations.

### 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.

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

- b) 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.
- 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.

4. Evaluation procedures
  - a) 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 individual educational plan (IEP), educational plan (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 a gifted student's needs beyond the general curriculum.
    - 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 his/her 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.

### **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 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 child in meeting the child's postsecondary goals.

2. Review of information

- a) The IEP team conducts a review that includes the examination of existing data on the student, including evaluations and information provided by the parents of the student and the student, as appropriate; current classroom-based assessments and observations; and teacher and related services providers' observations.
- b) This review may be conducted without a meeting. If the review is conducted without a meeting, there will be documentation to verify this. If the review is conducted during a meeting, the parent will be invited.
- c) The team will identify what additional data, if any, is needed, and provide the parent with written notice of its proposal regarding reevaluation.
- d) The following rules require the administration of specific assessments as a part of a student's reevaluation:
  - Rule 6A-6.03013, F.A.C., Special Programs for Students Who Are Deaf or Hard-of Hearing
  - Rule 6A-6.03014, F.A.C., Special Programs for Students Who Are Visually Impaired
  - Rule 6A-6.03022, F.A.C., Special Programs for Students Who Are Dual-Sensory Impaired
  - Rule 6A-6.03020, F.A.C., Specially Designed Instruction for Students Who Are Homebound or Hospitalized

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

- 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 parents fail to respond to reasonable attempts to obtain consent.

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) House Bill 1255 – Education Accountability became effective July 1, 2011, amending section 1003.575, F.S., to specify that 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 60 school days after the team's recommendation.

Describe the district's procedures for the following:

- Ensuring that a determination regarding whether the educational or related services needs of the student warrant a reevaluation is made at least every three years
- Ensuring that reevaluations are completed within a reasonable time following the reevaluation review that identifies the need for additional assessment
- Ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation

Evaluations and reevaluations (continued):

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 applicable dismissal procedures are followed.
- 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: Qualified Evaluators**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.304–305  
Section 490, Florida Statutes (F.S.)  
Rule 6A-6.0331, Florida Administrative Code (F.A.C.)

**Procedures**

1. Responsibilities of the school district
  - a) The school district is responsible for ensuring that competent evaluation specialists conduct evaluations for students suspected of having a disability. Examiners must be qualified in the professional's field as evidenced by a valid Florida license or certificate, and must have adequate training and knowledge to administer the particular assessment instrument. Tests of intellectual functioning must be administered and interpreted by a certified school psychologist or professional licensed under Chapter 490, F.S.
  - b) 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:
    - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
    - Testing standards (i.e., *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 and/or interpreting the instrument
    - Purpose of the evaluation (e.g., eligibility or monitoring/educational planning)
2. Professional standards and test manuals distinguish between professionals who are qualified to administer and score tests under supervision, and professionals who are qualified to interpret and report test results. Evaluators with no formal, graduate-level training in educational evaluation may administer limited categories of assessment instruments when trained to do so, either under supervision or when the evaluation is used for monitoring and educational planning purposes. Evaluators who do not have graduate-level training in educational evaluation should not interpret test results when these are used to determine eligibility.
3. Evaluators qualified to interpret and report test results for eligibility purposes should:
  - a) Have completed a graduate-level program with training in educational, psychological, or clinical evaluation and assessment
  - b) Have had supervised clinical experience
  - c) Be certified or licensed in a profession that includes educational evaluation and interpretation as part of its formal training
4. There are categories of evaluation instruments that may be administered by multiple professionals with formal academic training (e.g., achievement, language, early childhood) and others that are limited to specific evaluators. Evaluation instruments that are primarily psychological in nature (i.e., measures of intellectual/cognitive ability and measures of personality and behavior) can only be administered and interpreted by a psychologist or school psychologist. Clinical measures of speech



(articulation, voice, fluency) can only be administered and interpreted by a speech pathologist. Licensed occupational and physical therapists must administer evaluations for occupational and physical therapy services. Students with low incidence disabilities may require evaluations by individuals with specialized training.

- The table below is designed to assist in making decisions about qualified evaluators. Because there are multiple types of evaluation instruments within a category, a check does not automatically qualify (or disqualify) an evaluator to administer and interpret all measures in that category. There are other assessment tools and strategies that are components of a comprehensive evaluation (e.g., observations, social/developmental histories) not covered in the table.

**Table 1: Qualified Evaluators and Categories of Evaluation Instruments**

<b>Qualified Evaluator</b>	<i>Intelligence &amp; Cognitive Ability</i>	<i>Nonverbal Ability</i>	<i>Adaptive Behavior</i>	<i>Early Childhood/Developmental</i>	<i>Neuropsychological, Vis-Mot-Per</i>	<i>Achievement</i>	<i>Social/Emotional and Behavioral</i>	<i>Language</i>	<i>Articulation, Voice, and Fluency</i>	<i>Deaf/Hard-of-Hearing</i>	<i>Vision</i>
<i>Psychologist/School Psychologist (Department of Education Certified or Licensed)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Speech Pathologist</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>School Social Worker</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Educational Diagnostician</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Exceptional Student Education Teacher</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Occupational Therapist/Physical Therapist</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Audiologist</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Other Specialist (e.g., counselor, early childhood specialist, behavior specialist)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: When selecting qualified evaluators, the district should consult with the test manual to determine whether the evaluator meets the training and experience criteria established by the test publisher.

<b>Part I.</b>	<b>General Policies and Procedures</b>
<b>Section J:</b>	<b>Evaluation Instruments</b>

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§300.304 and 300.305  
Rule 6A-6.0331, Florida Administrative Code (F.A.C.)

**Purpose**

The purpose of this section is to provide a *representative* list of some of the individually administered, standardized instruments available for conducting comprehensive evaluations and diagnostic assessments. The assessment instruments listed were selected based on technical adequacy (e.g., reliability, validity), appropriateness of standardization, and recency of test development. The section is organized by cognitive and developmental areas and has a *Specialized Evaluations* section that addresses evaluation instruments unique to specific disability classifications. In addition, a description of the procedures for conducting a social/developmental history is provided. A group of qualified professionals determines what constitutes a comprehensive evaluation based on the reason for referral, student performance data and records, and other relevant information.

**Note: School districts are not limited to, or required to use, the instruments included in this section.**

**Procedures**

1. School districts are responsible for administering assessments in accordance with 34 CFR §300.304 and Rule 6A-6.0331, F.A.C., evaluation procedures, established ethical/professional standards (e.g., *Standards for Educational and Psychological Testing*), and the test publisher's instructions. The evaluation procedures used should provide information to help determine whether the student is a student with a disability and must be sufficiently comprehensive to identify all of a student's exceptional education needs.
2. Districts must use a variety of assessment tools and strategies to gather information, use technically sound instruments, and not use any single assessment tool as the sole criteria for determining eligibility. Standardized evaluation instruments should be used in conjunction with informal assessment strategies, student progress monitoring and response to intervention data, and other evaluation data when making decisions about eligibility and educational need.
3. In the selection and administration of evaluation instruments, districts must ensure that the formal and informal evaluation methods used:
  - a) Are selected and administered so as not to be discriminatory on a racial or cultural basis
  - b) Are provided and administered in the child's native language and in the form likely to yield accurate information on what the child knows and can do
  - c) Are used for the purposes for which the assessments are valid and reliable
  - d) Are administered by trained and knowledgeable personnel
  - e) Are administered in accordance with instructions provided by the test developer
4. For children with known impairments (i.e., sensory, manual, or speaking), the school district must ensure that assessment results accurately reflect the child's aptitude or achievement rather than reflecting the impaired sensory, manual, or speaking skills.

### **Social/Developmental History**

1. The Social/Developmental History is the appraisal of interpersonal, familial, and environmental factors that may influence a student's ability to learn and function optimally in school. It is a process that requires data gathering and data synthesis of the following components:
  - a) Family composition and dynamics
  - b) Educational history
  - c) Health and developmental history
  - d) Current emotional and behavioral status
  - e) Environment and cultural influence
2. The purpose of the Social/Developmental History is to obtain information about a student that extends beyond the school environment for use by the multidisciplinary team to effectively problem solve presenting academic and/or behavioral issues. In this context, data are gathered through a structured interview with the student's parent/guardian in the home setting or at the school or other agreeable location when a home visit is not possible. Other data sources for the social history are the student's cumulative record, teacher interview(s), and student interview.
3. Procedures
  - a) The process includes the following:
    - Establishing communication with the parent/guardian that could result in identifying the need to institute more frequent and cooperative home/school communications
    - Identifying conditions that may require additional evaluation, referral, or intervention
    - Assisting the parent/guardian in defining child-focused issues and their supporting role
    - Ensuring that the parent/guardian understands due process and safeguard guarantees
  - b) Required skills
    - Interviewing techniques
    - Identifying and interpreting family dynamics that affect a student's learning
    - Identifying and using nonbiased evaluative instruments and/or formats
  - c) Qualified evaluators

Evaluation Specialists include persons authorized to practice such professional skills as evidenced by a certificate or license to practice in Florida, who have training in conducting a social/developmental history. This is usually a school social worker but may include other trained and certified or licensed persons as indicated.

**EVALUATION INSTRUMENTS****INTELLIGENCE & COGNITIVE ABILITY**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Differential Ability Scales – Second Edition (DAS-II), 2007</i>	<i>Pearson</i>	<i>2-6 to 17-11</i>
<i>Kaufman Assessment Battery for Children, Second Edition (KABC-II), 2004</i>	<i>Pearson</i>	<i>3 to 18</i>
<i>Reynolds Intellectual Assessment Scale (RIAS), 2003</i>	<i>PAR</i>	<i>3 to 94</i>
<i>Stanford-Binet Intelligence Scale – Fifth Edition (SB5), 2003</i>	<i>Riverside Publishing</i>	<i>2 to 85+</i>
<i>Stanford-Binet Intelligence Scales for Early Childhood – Fifth Edition (Early SB5), 2005</i>	<i>Riverside Publishing</i>	<i>2 to 7-3</i>
<i>Wechsler Adult Intelligence Scale – Fourth Edition (WAIS-IV), 2008</i>	<i>Pearson</i>	<i>16 to 90</i>
<i>Wechsler Intelligence Scale for Children – Fourth Edition (WISC-IV), 2003</i>	<i>Pearson</i>	<i>6 to 16-11</i>
<i>Wechsler Preschool and Primary Scale of Intelligence, Third Edition (WPPSI-III), 2002</i>	<i>Pearson</i>	<i>2-6 to 7-3</i>
<i>Woodcock-Johnson III NU Tests of Cognitive Abilities (WJIII NU), 2007</i>	<i>Riverside Publishing</i>	<i>2 to 90+</i>

**NONVERBAL TESTS OF INTELLIGENCE/NONVERBAL ABILITY**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Comprehensive Test of Nonverbal Intelligence Second Edition (C-TONI-2), 2009</i>	<i>ProEd</i>	<i>6 to 90</i>
<i>Leiter International Performance Scale – Revised (Leiter-R), 1997</i>	<i>Stoelting Company</i>	<i>2 to 18</i>
<i>Naglieri Nonverbal Ability Test – Individual Administration (NNAT Individual), 2003</i>	<i>Pearson</i>	<i>5 to 17-11</i>
<i>Ravens Progressive Matrices – Colored (CPM) and Standard (SPM) Progressive Matrices, 1998</i>	<i>Pearson</i>	<i>5 to adult</i>
<i>Test of Nonverbal Intelligence – Fourth Edition (TONI-4), 2010</i>	<i>Pearson</i>	<i>6 to 89-11</i>
<i>Universal Nonverbal Intelligence Test (UNIT), 1998</i>	<i>Riverside Publishing</i>	<i>5 to 17-11</i>
<i>Wechsler Nonverbal Scale of Ability (WNV), 2006</i>	<i>Pearson</i>	<i>4 to 21-11</i>

**ADAPTIVE BEHAVIOR**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Adaptive Behavior Assessment System, Second Edition (ABAS-II), 2003</i>	<i>Pearson</i>	<i>5 to 21</i>
<i>Scales of Independent Behavior – Revised (SIB-R), 1996</i>	<i>Riverside Publishing</i>	<i>Infancy to 80+</i>
<i>Vineland Adaptive Behavior Scales – Second Edition (Vineland-II), 2005</i>	<i>Pearson</i>	<i>Birth to 90</i>

**EARLY CHILDHOOD/DEVELOPMENTAL**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Battelle Developmental Inventory (BDI-2), Fall 2004</i>	<i>Riverside Publishing</i>	<i>Birth to 8</i>
<i>Bayley Scales of Infant Development, Third Edition (Bayley-III), 2005</i>	<i>Pearson</i>	<i>1 to 42 months</i>
<i>Bracken Basic Concept Scale – Third Edition: (BBCS-3:E and BBCS-3:R), 2006</i>	<i>Pearson</i>	<i>3 to 6-11</i>
<i>Bracken School Readiness Assessment – Third Edition (BSRA-3), 2007</i>	<i>Pearson</i>	<i>3 to 6-11</i>
<i>Brigance Inventory of Early Development – Revised, 1999</i>	<i>Curriculum Associates</i>	<i>Birth to 7</i>
<i>Developmental Assessment of Young Children (DAYC)</i>	<i>ProEd</i>	<i>Birth to 5-11</i>
<i>Developmental Indicators for the Assessment of Learning (DIAL-4), 2011</i>	<i>Pearson</i>	<i>2-6 to 5-11</i>
<i>Developmental Profile 3 (DP-3), 2007</i>	<i>Western Psychological Services</i>	<i>Birth to 12-11</i>

**NEUROPSYCHOLOGICAL, VISUAL-MOTOR-PERCEPTUAL**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Behavior Rating Inventory of Executive Function (BRIEF), 2000</i>	<i>PAR</i>	<i>5 to 18</i>
<i>Bender Visual-Motor Gestalt Test (Bender-Gestalt II), 2003</i>	<i>Riverside Publishing</i>	<i>4 to 85</i>
<i>BOT-2: Bruininks-Oseretsky Test of Motor Proficiency, Second Edition (BOT-2), 2005</i>	<i>Pearson</i>	<i>4 to 21</i>
<i>Dean-Woodcock Neuropsychological Battery (DW), 2003</i>	<i>Riverside Publishing</i>	<i>4 to adult</i>
<i>Delis-Kaplan Executive Function System (D-FES), 2001</i>	<i>Pearson</i>	<i>8 to 89</i>
<i>Beery-Buktenica Developmental Test of Visual-Motor Integration, Sixth Edition (Berry VMI), 2010</i>	<i>Pearson</i>	<i>2 to 99</i>
<i>NEPSY-II 2007</i>	<i>Pearson</i>	<i>3 to 16-11</i>
<i>Scales of Cognitive Ability for Traumatic Brain Injury (SCATBI), 1993</i>	<i>ProEd</i>	<i>3 to 9.0</i>
<i>Test of Auditory-Processing Skills – Third Edition (TAPS-3)</i>	<i>ProEd</i>	<i>4 to 13</i>
<i>Wide Range Assessment of Memory &amp; Learning, 2<sup>nd</sup> Edition (WRAML2), 2003</i>	<i>PAR</i>	<i>5 to 90</i>
<i>Wide Range Assessment of Visual Motor Ability (WRAVMA), 1995</i>	<i>PAR</i>	<i>3 to 17-11</i>

**GENERAL ACHIEVEMENT**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Basic Achievement Skills Inventory (BAS-I), 2004</i>	<i>Pearson</i>	<i>8 to adult</i>
<i>Boehm Test of Basic Concepts (Boehm-3), 2000</i>	<i>Pearson</i>	<i>K-2</i>
<i>Brigance Comprehensive Inventory of Basic Skills II (CIBS), 2010</i>	<i>Curriculum Associates</i>	<i>PreK - 9</i>
<i>Kaufman Test of Educational Achievement, Second Edition (KTEA-II), 2004</i>	<i>Pearson</i>	<i>4-6 to 25</i>
<i>Wechsler Individual Achievement Test - Third Edition (WIAT-III), 2009</i>	<i>Pearson</i>	<i>4 to 50-11</i>
<i>Wide Range Achievement Test 4 (WRAT4), 2006</i>	<i>PAR</i>	<i>5 to 94</i>
<i>Woodcock – Johnson III NU Tests of Achievement (WJ-III NU), 2007</i>	<i>Riverside Publishing</i>	<i>2 to 90+</i>

**MATH ACHIEVEMENT**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Early Math Diagnostic Assessment (EMDA), 2002</i>	<i>Pearson</i>	<i>PreK - 3</i>
<i>Key Math – 3: Diagnostic Assessment, 2007</i>	<i>Pearson</i>	<i>4-6 to 21-11</i>
<i>PAL-II Diagnostics Assessment for Math, 2007</i>	<i>Pearson</i>	<i>K-6</i>
<i>Test of Early Mathematics – Second Edition (TEMA-2), 1990</i>	<i>ProEd</i>	<i>3.0 to 8-11</i>
<i>Test of Mathematical Abilities (TOMA-2), 1994</i>	<i>Riverside Publishing</i>	<i>8.0 to 18-11</i>



**READING, ORAL LANGUAGE, WRITTEN LANGUAGE**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b>READING/LITERACY</b>		
<i>Comprehensive Test of Phonological Processing (CTOPP), 1999</i>	<i>ProEd</i>	<i>5 to 24-11</i>
<i>Early Reading Diagnostic Assessment, Second Edition (ERDA), 2003</i>	<i>Pearson</i>	<i>K - 3</i>
<i>Florida Assessments for Instruction in Reading, 2008</i>	<i>FCRR</i>	<i>K - 12</i>
<i>Gray Oral Reading Tests: Fourth Edition (GORT-4), 2001</i>	<i>ProEd</i>	<i>6 to 18-11</i>
<i>PAL-II Diagnostic Reading Assessment for Reading and Writing, 2007</i>	<i>Pearson</i>	<i>K - 6</i>
<i>Test of Phonological Awareness – Second Edition Plus (TOPA-2+), 2004</i>	<i>ProEd</i>	<i>K - 2</i>
<i>Test of Reading Comprehension – Fourth Edition (TORC-4), 2009</i>	<i>ProEd</i>	<i>7 to 17-11</i>
<i>Test of Word Reading Efficiency (TOWRE), 1999</i>	<i>ProEd</i>	<i>6 to 24-11</i>
<i>WJ III Diagnostic Reading Battery (WJ III DRB), 2004</i>	<i>Riverside Publishing</i>	<i>K - college</i>
<i>Woodcock Reading Mastery Tests – Third Edition (WRMT-III), 2011</i>	<i>Pearson</i>	<i>4-6 to 79-11</i>
<b>LANGUAGE/ORAL LANGUAGE</b>		
<i>Auditory Skills Assessment (ASA), 2010</i>	<i>Pearson</i>	<i>3-6 to 6-11</i>
<i>Clinical Evaluation of Language Fundamentals, Fourth Edition (CELF-4), 2003</i>	<i>Pearson</i>	<i>5 to 21-11</i>
<i>Comprehensive Assessment of Spoken Language (CASL), 1999</i>	<i>Pearson</i>	<i>3-9 to 21-11</i>

**READING/ORAL & WRITTEN LANGUAGE (cont.)**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b>LANGUAGE/ORAL LANGUAGE (cont.)</b>		
<i>Comprehensive Receptive and Expressive Vocabulary Test, Second Edition (CREVT-2), 2002</i>	<i>ProEd</i>	<i>4 to 89</i>
<i>Expressive and Receptive One-Word Picture Vocabulary Test (EOWPVT-R; ROWPVT), 2000</i>	<i>Pearson</i>	<i>2 to 18-11</i>
<i>Expressive Vocabulary Test, Second Edition (EVT-II), 2007</i>	<i>Pearson</i>	<i>2-6 to 90</i>
<i>Language Processing Test, Third Edition: Elementary (LPT-3: Elementary), 2005</i>	<i>LinguiSystems</i>	<i>5 to 11</i>
<i>Lindamood Auditory Conceptualization Test, Third Edition (LAC-3), 2005</i>	<i>ProEd</i>	<i>5 to 18-11</i>
<i>Oral Language Acquisition Inventory, Second Edition (OLAI-2), 2011</i>	<i>Pearson</i>	<i>PreK to 6</i>
<i>Peabody Picture Vocabulary Test – Fourth Edition (PPVT-IV), 2007</i>	<i>Pearson</i>	<i>2-6 to 90</i>
<i>Preschool Language Scale, Fifth Edition (PLS-5), 2011</i>	<i>Pearson</i>	<i>Birth to 7-11</i>
<i>Test of Adolescent &amp; Adult Language – Fourth Edition (TOAL-4), 2007</i>	<i>ProEd</i>	<i>12 to 24-11</i>
<i>Test of Early Language Development – Third Edition (TELD-3), 1999</i>	<i>ProEd</i>	<i>2 to 7-11</i>
<i>Test of Language Development – Intermediate, Fourth Edition (TOLD-I:4), 2008</i>	<i>ProEd</i>	<i>8 to 17-11</i>
<i>Test of Pragmatic Language – 2<sup>nd</sup> Edition (TOPL-2), 2007</i>	<i>Harcourt</i>	<i>6 to 18-11</i>

**READING/ORAL & WRITTEN LANGUAGE (cont.)**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b>LANGUAGE/ORAL LANGUAGE (cont.)</b>		
<i>Test of Semantic Skills – Primary (TOSS-P), 2002</i>	<i>LinguiSystems</i>	<i>4 to 8</i>
<i>Token Test for Children, Second Edition (TTFC-2), 2007</i>	<i>ProEd</i>	<i>3 to 12-11</i>
<i>Utah Test of Language Development – Fourth Edition (UTLD-4)</i>	<i>ProEd</i>	<i>3 to 9-11</i>
<i>Word Test – 2: Elementary and Adolescent, 2005</i>	<i>ProEd</i>	<i>6 to 17-11</i>
<i>Diagnostic Evaluation of Language Variation (DELV), 2005</i>	<i>Pearson</i>	<i>4 to 9</i>
<b>WRITTEN LANGUAGE</b>		
<i>Oral and Written Language Scales (OWLS), 1996</i>	<i>Pearson</i>	<i>3 to 21</i>
<i>Test of Written Language – Fourth Edition (TOWL-4), 2009</i>	<i>ProEd</i>	<i>9 to 17-11</i>
<i>Test of Written Spelling – Fourth Edition (TWS-4), 1999</i>	<i>ProEd</i>	<i>Grades 1-12</i>
<i>Spelling Performance Evaluation for Language &amp; Literacy- Second Edition (SPELL-2), 2006</i>	<i>Learning by Design</i>	<i>Grade 2-Adult</i>
<i>Test of Written Expression (TOWE), 1995</i>	<i>Pearson</i>	<i>6-6 to 14-11</i>

**SOCIAL/EMOTIONAL AND BEHAVIORAL**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Achenbach System of Empirically Based Assessment (ASEBA), 2003</i>	<i>ASEBA</i>	<i>1-5 to 59</i>
<i>Beck Youth Inventories – Second Edition (BYI-II), 2005</i>	<i>Pearson</i>	<i>7 to 18-11</i>
<i>Behavior Assessment System for Children, Second Edition (BASC-2), 2004</i>	<i>Pearson</i>	<i>4 to 18</i>
<i>Behavioral and Emotional Screening System (BASC-2), 2007</i>	<i>Pearson</i>	<i>PreK - 12</i>
<i>Behavior Rating Profile – 2 (BRP-2)</i>	<i>ProEd</i>	<i>6-6 to 18-6</i>
<i>Conners Comprehensive Behavior Rating Scales (Conners CBRS), 2008</i>	<i>MHS</i>	<i>6 to 17-11</i>
<i>Clinical Assessment of Behavior (CAB), 2004</i>	<i>PAR</i>	<i>5 to 18</i>
<i>Emotional Disturbance Decision Tree (EDDT), 2007</i>	<i>PAR</i>	<i>5 to 18</i>
<i>Personality Inventory for Children (PIC-2), 2001</i>	<i>Western Psychological Services</i>	<i>5 to 18</i>
<i>Preschool and Kindergarten Behavior Scales (PKBS-2), 2003</i>	<i>Riverside</i>	<i>3 to 5</i>
<i>School Social Behavior Scales Second Edition (SSBS-2), 2002</i>	<i>Paul Brookes</i>	<i>5 to 18</i>
<i>Social Skills Improvement System (SSIS), 2008</i>	<i>Pearson</i>	<i>PreK - 12</i>

**ARTICULATION, VOICE, AND FLUENCY**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Arizona Articulation Proficiency Scale, Third Edition (Arizona-3), 1999</i>	<i>ProEd</i>	<i>1-5 to 18</i>
<i>Clinical Assessment of Articulation and Phonology (CAAP), 2004</i>	<i>ProEd</i>	<i>2-6 to 8-11</i>
<i>Goldman – Fristoe Test of Articulation-2 (G-FTA-2), 2000</i>	<i>ProEd</i>	<i>2 to 21</i>
<i>Kahn-Lewis Phonological Analysis, Second Edition (KLPA-2), 2002</i>	<i>Pearson</i>	<i>2 to 21</i>
<i>Photo-Articulation Test, Third Edition (PAT-3), 1997</i>	<i>Pearson</i>	<i>3 to 8</i>
<i>*Boone Voice Program for Children, Second Edition, 1980</i>	<i>ProEd</i>	<i>3 to 14</i>
<i>Voice Assessment Protocol for Children and Adults (VAP), 1987</i>	<i>ProEd</i>	<i>all ages</i>
<i>*Cooper Personalized Fluency Control Therapy for Children, Third Edition (PFCT-3), 2002</i>	<i>ProEd</i>	<i>preschool and school-age children</i>
<i>Stuttering Prediction Instrument for Young Children (SPI), 1981</i>	<i>ProEd</i>	<i>3 to 8</i>
<i>Stuttering Severity Instrument for Children and Adults, Third Edition (SSI-3), 1994</i>	<i>ProEd</i>	<i>2-10 to adult</i>

**\*Please note that some of the evaluation instruments listed are part of a comprehensive program involving evaluation and treatment.**

**SPECIALIZED EVALUATIONS**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b><i>AUTISM SPECTRUM DISORDERS (ASD)</i></b>		
<i>Autism Diagnostic Interview – Revised (ADI-R), 1994</i>	<i>Western Psychological Services</i>	<i>2 to adult</i>
<i>Autism Diagnostic Observation Schedule (ADOS), 1989</i>	<i>Western Psychological Services</i>	<i>2 to adult</i>
<i>Asperger’s Syndrome Diagnostic Scale (ASDS), 2000</i>	<i>ProEd</i>	<i>5 to 18</i>
<i>Childhood Autism Rating Scale, Second Edition (CARS-2), 2010</i>	<i>Western Psychological Services</i>	<i>2 to adult</i>
<i>Gilliam Asperger’s Disorder Scale (GADS), 2000</i>	<i>ProEd</i>	<i>3 to 22</i>
<i>Gilliam Autism Rating Scale, Second Edition (GARS-2), 1995</i>	<i>ProEd</i>	<i>3 to 22</i>
<i>Krug Asperger’s Disorder Index (KADI), 2003</i>	<i>ProEd</i>	<i>6 to 21</i>
<i>Psychoeducational Profile – Third Edition (PEP-3), 2005</i>	<i>ProEd/Western Psychological Services</i>	<i>6 months to 6-11</i>
<i>Pervasive Developmental Disorders Screening Test–II (PDDST–II), 2004</i>	<i>Pearson</i>	<i>12 to 48 months</i>
<i>Social Responsiveness Scale (SRS), 2005</i>	<i>Western Psychological Services</i>	<i>4 to 18</i>
<b><i>GIFTED</i></b>		
<i>Gifted and Talented Evaluation Scales (GATES), 1996</i>	<i>ProEd</i>	<i>5 to 18</i>
<i>Gifted Evaluation Scale (GES), 1998</i>	<i>Hawthorne</i>	<i>5 to 18</i>
<i>Gifted Rating Scale (GRS), 2003</i>	<i>Pearson</i>	<i>4 to 13-11</i>
<i>Scales for Rating the Behavioral Characteristics of Superior Students (SRBCSS), 2002</i>	<i>Creative Learning Press</i>	<i>Grades 3 to 12</i>

**SPECIALIZED EVALUATIONS (cont.)**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b>DEAF/HARD-OF- HEARING</b>		
<i>Carolina Picture Vocabulary Test 1985</i>	<i>ProEd</i>	<i>4 to 11-5</i>
<i>Craig Lipreading Inventory 1971</i>	<i>Western Pennsylvania School for the Deaf/Educational Testing Services (ETS)</i>	<i>2 to 15</i>
<i>Early Speech Perception (ESP), 1990</i>	<i>Central Institute for the Deaf</i>	<i>2 to 8</i>
<i>Grammatical Analysis of Elicited Language 1983</i>	<i>Central Institute for the Deaf</i>	<i>3 to 12</i>
<i>Phonetic Phonologic Speech Evaluation 2002</i>	<i>A.G. Bell Association</i>	<i>Children</i>
<i>Teacher Assessment of Grammatical Structures 1983</i> - <i>Pre-Sentenced Level (TAGS-P)</i> - <i>Simple Sentence Level (TAGS-S)</i> - <i>Complex Sentence Level (TAGS-C)</i>	<i>Central Institute for the Deaf</i>	<i>Children</i>
<i>Test of Early Reading Ability – Deaf or Hard-of-Hearing 1991</i>	<i>ProEd</i>	<i>Grades 3 to 13</i>
<b>VISION</b>		
<i>Assessment of Braille Literacy Skills (ABLS), 1995</i>	<i>Region IV Education Service Center</i>	<i>all</i>
<i>Assessment Kit 1997</i>	<i>Texas School for the Blind and Visually Handicapped</i>	<i>all</i>
<i>Callier-Azusa Scale: H Edition 1984</i>	<i>University of Texas-Dallas</i>	<i>PreK to 12</i> <i>(deaf-blind and multiple disabilities)</i>

**SPECIALIZED EVALUATIONS (cont.)**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<b><i>VISION (cont.)</i></b>		
<i>Evaluating Visually Impaired Students Using Alternate Learning Strategies (EVALS), 2007 (Includes TAPS Comprehensive and Ongoing Assessment)</i>	<i>Texas School for the Blind and Visually Impaired</i>	<i>All</i>
<i>Functional Vision Kit 2007</i>	<i>Vision Associates</i>	<i>All</i>
<i>Functional Vision and Learning Media Assessment 2008</i>	<i>American Printing House for the Blind</i>	<i>All</i>
<i>Individualized Systematic Assessment of Visual Efficiency (ISAVE), 2008</i>	<i>American Printing House for the Blind</i>	<i>All (students with additional disabilities)</i>
<i>Learning Media Assessment 1993</i>	<i>Texas School for the Blind and Visually Handicapped</i>	<i>All</i>
<i>Minnesota Braille Skills Inventory 1995</i>	<i>Minnesota Dept of Education</i>	<i>All</i>
<i>Oregon Project for Visually Impaired and Blind Preschool Children (6<sup>th</sup> Edition), 2007</i>	<i>Southern Oregon Education Service District, Medford, Oregon</i>	<i>PreK to 2</i>
<i>Sensory Learning Kit 2005</i>	<i>American Printing House for the Blind</i>	<i>Students with developmental level of 0-2 years</i>
<i>SIB-R Short Form for the Visually Impaired 1996</i>	<i>Riverside Publishing</i>	<i>Infancy to 80+</i>
<i>TAPS: Orientation Mobility Curriculum for Students with Visual Impairments 1995</i>	<i>Texas School for the Blind &amp; Visually Impaired</i>	<i>3 to 21</i>
<i>Visual Functioning Assessment Tool (VFAT), 1989</i>	<i>Stoelting Company</i>	<i>All</i>



**BILINGUAL/SPANISH**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Adaptive Behavior Assessment System, Second Edition (ABAS-II), 2003</i>	<i>Pearson</i>	<i>5 to 21</i>
<i>Assessment of Basic Skills – Revised (ABS-R), 2007, (Brigance CIBS-R Spanish Edition), 2007</i>	<i>Curriculum Associates</i>	<i>PreK to 9</i>
<i>Behavior Assessment System for Children (BASC-2), 2003</i>	<i>Pearson</i>	<i>2 to 21-11</i>
<i>Bateria III Woodcock-Muñoz NU 2007</i>	<i>Riverside Publishing</i>	<i>2 to 90</i>
<i>Battelle Developmental Inventory (BDI-2 Spanish), 2005</i>	<i>Riverside Publishing</i>	<i>Birth to 7-11</i>
<i>Bilingual Verbal Ability Test – Normative Update (BVAT-NU), 2005</i>	<i>Riverside Publishing</i>	<i>5 to adult</i>
<i>Bracken Basic Concept Scale – Third Edition: (BBCS-3:E and BBCS-3:R), 2006</i>	<i>Pearson</i>	<i>3 to 6-11</i>
<i>Bracken School Readiness Assessment (BSRA), 2002</i>	<i>Pearson</i>	<i>2-6 to 7-11</i>
<i>Clinical Evaluation of Language Fundamentals (CELF-4 Spanish), 2006</i>	<i>Pearson</i>	<i>5 to 21</i>
<i>Expressive and Receptive One Word Picture Vocabulary Tests (EOWPVT &amp; ROWPVT), 2000</i>	<i>Academic Therapy</i>	<i>2 to 18-11</i>
<i>Pervasive Developmental Disorders Screening Test–II (PDDST–II), 2004</i>	<i>Pearson</i>	<i>18 months to 48 months</i>
<i>Preschool Language Scale, Spanish Edition (PLS-4), 2002</i>	<i>Pearson</i>	<i>birth to 6-11</i>

**BILINGUAL/SPANISH (cont.)**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Wechsler Intelligence Scale for Children – Fourth Edition Spanish (WISC-IV Spanish), 2004</i>	<i>Pearson</i>	<i>6 to 16-11</i>
<i>Woodcock Language Proficiency Battery – Revised Spanish Form (WLPB-R Sp), 1995</i>	<i>Riverside Publishing</i>	<i>2 to adult</i>
<i>Woodcock-Muñoz Language Survey NU – Revised (WMLS-R NU), 2005</i>	<i>Riverside Publishing</i>	<i>2 to adult</i>

**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 a free appropriate public education (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.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, and/or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, and/or modifications.

#### **Curriculum**

1. To maximize accessibility to the curriculum, students will access the State standards/Access Points 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 individual educational plan (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/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, 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 Bureau of Exceptional Education and Student Services, 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**

Title 34 Code of Federal Regulations (CFR) § 300.8  
 Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
 Rules 6A-6.03023 and 6A-6.0331, Florida Administrative Code (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 and communication and the presence of restricted repetitive and/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, and/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 and/or nonverbal language or social communication skills
4. Restricted repetitive, and/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
  - 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 severely 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 an educational program 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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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**Part II. 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**

Title 34 Code of Federal Regulations (CFR) §§ 300.8, 300.34, and 300.113  
Sections 1003.01(3), 1003.55, and 1003.57, Florida Statutes (F.S.)  
Rules 6A-6.03013 and 6A-2.0010, Florida Administrative Code (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)  $\pm$  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  $\pm$  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  $\pm$  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

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 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/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 individual educational plan (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-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.

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

\_\_\_\_\_ There is no additional information for this section.

<p><b>Part II. Policies and Procedures for Students with Disabilities</b></p> <p><b>Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children with Developmental Delay</b></p>
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**Statutory and Regulatory Citations:**

Title 34 Code of Federal Regulations (CFR) §§ 300.8 and 303.16  
 Sections 1003.01, 1003.21, and 1003.57, Florida Statutes (F.S.)  
 Rules 6A-6.03027 and 6A-6.03031, Florida Administrative Code (F.A.C.)

**Definition**

1. For a child from birth through two years of age, developmental delay is defined as delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical motor development.
2. For a child three through five 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 through five 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 through five years of age
- b) There is documentation of one of the following:
  - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development; or
  - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development; or
  - 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/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 years of age (below 36 months)

A child is eligible for the special program for children who are developmentally delayed when the following criteria are met:

- a) The child is below the age of 36 months
- b) There is documentation of one of the following:
  - A score of 1.5 standard deviations below the mean in at least one area of development. For children below the age of 24 months, the delay shall be defined in accordance with the child's corrected age; or
  - A 25 percent delay on measures yielding scores in months in at least one area of development. For children below the age of 24 months, the delay shall be defined in accordance with the child's corrected age; or

- Based on informed clinical opinion and the observation of atypical functioning, the multidisciplinary team makes a recommendation that a developmental delay exists and exceptional student educational services are needed.
- c) The eligibility staffing committee/multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

### **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:

1. Procedures for evaluation for children three through five years:
  - a) Delay is documented by a multidisciplinary team using multiple measures of assessment, which include:
    - 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.
2. Procedures for evaluation for a child birth through two years of age (below 36 months):

Before eligibility determination, the following activities are completed:

  - a) A review of existing medical, psychological, and social information and other related data
  - b) A screening for vision and hearing
  - c) Documentation of a delay by a multidisciplinary team, using at least one measure of assessment, which includes: standardized instruments, judgement-based assessments, criterion-referenced instruments, functional skills assessments, or other procedures selected in consultation with the parent(s)
  - d) A parent report of the child's development and behavior to assist in determining the early intervention services needed
  - e) When determined necessary by the multidisciplinary evaluation team, and in consultation with the parent, procedures for evaluation may also include, but not be limited to, a speech and language evaluation, physical therapy evaluation, additional medical evaluations, psychological evaluation, audiological evaluation, social work evaluation, and/or occupational therapy evaluation; and
  - f) When a developmental delay cannot be verified by use of a standardized instrument, the delay(s) may be established through informed clinical opinion and the observation of atypical functioning in one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, and the basis for recommending eligibility.

**Continued Eligibility for ESE Services**

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 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 through five 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 years of age (below 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-6.030326, 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 and/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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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**Part II. Procedures for Students with Disabilities**

**Section B.4: Exceptional Student Education Eligibility for Students with Dual-Sensory Impairment**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.8, 300.34, 300.113, and 300.172  
Sections 1003.55, 1003.57, and 1003.575, Florida Statutes (F.S.)  
Rule 6A-6.03022, Florida Administrative Code (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.

**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 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
  - d) Documented observation of auditory functioning
3. For students who are over the age of three 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 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 individual educational plan (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 communication access real-time translation (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-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.

\_\_\_\_\_ 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/Behavioral Disabilities**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.8  
 Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
 Rule 6A-6.03016, Florida Administrative Code (F.A.C.)

**Definition**

A student with an emotional/behavioral disability (E/BD) 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.

**Eligibility Criteria**

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

1. A student with an emotional/behavioral disability must demonstrate 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 must demonstrate one or more of the following characteristics listed here:
  - a) Internal factors characterized by:
    - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends and/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 and/or physical aggression, and/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 must be present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to and/or from school, or home/community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, 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 emotional/behavioral characteristic as listed in 1.a above.

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

1. 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.
2. 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.
3. 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/behavioral responses beyond the school environment.
4. 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/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.
5. 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/behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional/behavioral responses may be precipitated by a physical problem.
7. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the implementation of a behavioral intervention plan described in 1. above may be waived when immediate intervention is required to address an acute onset of an internal emotional/behavioral characteristic listed above in 1.a of the Eligibility Criteria section.

### **Unique Philosophical, Curricular, or Instructional Considerations**

1. When making a distinction between students with internalized or externalized characteristics, the individual educational plan (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 E/BD 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 E/BD 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/behavioral disabilities.**

\_\_\_\_\_ 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 Children Birth through Two Years Old with Established Conditions**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 303.16, 303.300, and 303.322  
Sections 1003.21, 1003.01, and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03030, Florida Administrative Code (F.A.C.)

**Definition**

A child with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay or disability. Such conditions include genetic disorders, metabolic disorders, neurological abnormalities and insults, or severe attachment disorder.

**Eligibility Criteria**

A child is eligible for special education and related services as a child with an established condition if the following criteria are met:

1. The child is below the age of 36 months
2. A licensed physician(s), qualified to assess the child's physical or mental condition, makes a diagnosis or suspected diagnosis of a condition that has a high probability of resulting in developmental delay or disability

**Continued Eligibility**

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

**Child Evaluation**

The minimum child evaluation shall include the following:

1. A review of existing medical, psychological, and social information and other related data.
2. A screening for vision and hearing.
3. A report of a medical examination within the previous six-month period, from a licensed physician(s) qualified to assess the child's physical or mental condition. Such a report will include a written statement of the child's diagnosis or suspected diagnosis.
4. A developmental assessment conducted by the multidisciplinary team that includes the parent to determine the unique needs of the child. Such an assessment will include the parent's report of the child's development and behavior and will assist in determining the early intervention services needed.
5. When determined necessary by the multidisciplinary evaluation team, and in consultation with the parent, the evaluation may also include, but not be limited to, an audiological evaluation, psychological evaluation, speech and language evaluation, physical therapy evaluation, additional medical evaluations, social work evaluation, and/or an occupational therapy evaluation.
6. For a child with a severe attachment disorder, a psychological evaluation completed by a licensed psychologist must be included in the evaluation.

**Development of the Family Support Plan**

1. The family support plan is 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.
2. Because of the rapid development of young children and the changing needs of families, ongoing observations and/or assessments are conducted at least every six months for the purpose of completing the periodic review of the family support plan.

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

1. 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 are available, as applicable.
2. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two 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 years old with established conditions.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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**Part II. Policies and Procedures for Students with Disabilities**

**Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.115  
Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03020, Florida Administrative Code (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 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 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
  - 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

**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 homebound or hospitalized.**

\_\_\_\_\_ 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**

Title 34 Code of Federal Regulations (CFR) § 300.8  
Sections 1003.57 and 1003.01, Florida Statutes (F.S.)  
Rule 6A-6.03011, Florida Administrative Code (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 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 standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three 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/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.**

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

\_\_\_\_\_ There is no additional information for this section.

<b>Part II.</b>	<b>Policies and Procedures for Students with Disabilities</b>
<b>Section B.9:</b>	<b>Exceptional Student Education Eligibility for Students with Orthopedic Impairment</b>

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.8  
Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.030151, Florida Administrative Code (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 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

**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.**

- |  |
|--|
| <input type="checkbox"/> The school district has provided additional information for this section in <b>Appendix B</b> of this document. |
| <input type="checkbox"/> 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**

Title 34 Code of Federal Regulations (CFR) § 300.8  
Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.030152, Florida Administrative Code (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:

1. A report of a medical examination, within the previous 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

**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.**

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

\_\_\_\_\_ There is no additional information for this section.

<p><b>Part II. Policies and Procedures for Students with Disabilities</b></p> <p><b>Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury</b></p>
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**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.8  
 Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
 Rule 6A-6.030153, Florida Administrative Code (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 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
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.

\_\_\_\_\_ 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**

Title 34, Code of Federal Regulations (CFR) § 300.8  
Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03018, Florida Administrative Code (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/behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

**Eligibility Criteria**

A student is eligible for specially designed instruction and related service 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 and/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

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.; **or**

- A process based on the student's response to scientific, research-based intervention, and the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards in accordance with Rule 6A-1.09401, F.A.C., or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331, F.A.C.

Note: This process becomes obsolete effective July 1, 2010.

- 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/behavioral disability
  - Cultural factors
  - Irregular pattern of attendance and/or high mobility rate
  - Classroom behavior
  - Environmental or economic factors
  - Limited English proficiency

### **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:

  - 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 procedures identified in the district's Exceptional Student Education (ESE) Policies and Procedures 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:
  - 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 are 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/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:
  - 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.

#### 4. Implementation

- a) The district's ESE Policies and Procedures document, as required by Rule 6A-6.03411, F.A.C., identifies the applicable process described in 1.b) of Eligibility Criteria above, on a school-by-school basis. As applicable, this information may be provided categorically (e.g., "all elementary schools"), to the extent that the eligibility criterion applied in a given school is clear to all involved.
- b) For schools using the second eligibility process described in 1.b) of Eligibility Criteria above, until July 1, 2010, a description of the pattern of strengths and weaknesses that is determined by the group to be relevant to the identification of a specific learning disability must be documented in the required written summary of the group's analysis.

#### **Additional Information Required**

_____	<b>A.</b> In <b>all</b> schools, the district uses a process based on the student's response to scientific, research-based intervention to determine a student's eligibility as a student with a specific learning disability.
_____	<b>B.</b> In the schools identified on page 83, until July 1, 2010, the district will use a process based on the student's response to scientific, research-based intervention, <b>and</b> the pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, to determine a student's eligibility as a student with a specific learning disability (see pages 82-83).

**If option B was selected on page 81, the district must complete pages 82-83.**

**B.1.** 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., will be used to determine a student's eligibility as a student with a specific learning disability in the following schools:

**B.2.** Until July 1, 2010, a process based on the student's response to scientific, research-based intervention, **and** the pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards in accordance with Rule 6A-1.09401, F.A.C., or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331, F.A.C., will be used to determine a student's eligibility as a student with a specific learning disability in the following schools:

**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.**

\_\_\_\_\_ 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(a): Exceptional Student Education Eligibility for Students with Speech Impairments**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.8, 300.306, and 300.34  
 Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
 Rule 6A-6.03012, Florida Administrative Code (F.A.C.)

**Definitions**

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance and/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 and/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 and/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 and/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 and/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.

**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 "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 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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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**Part II. Policies and Procedures for Students with Disabilities**

**Section B.13(b): Exceptional Student Education Eligibility for Students with Language Impairments**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.8, 300.306, and 300.34  
 Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
 Rule 6A-6.030121, Florida Administrative Code (F.A.C.)

**Definitions**

Language impairments are disorders of language that interfere with communication, adversely affect performance and/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 and/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 "Definitions" 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

“Definitions” 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 and/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

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 and/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 components as specified in 2 of the evaluation procedures for students in kindergarten through grade twelve, included under **Student Evaluation**. 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 and/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 2.b)iii and iv of the evaluation procedures for students in kindergarten through grade twelve, included under **Student Evaluation**, 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 and/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 and/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 and/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 and/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

Prior to obtaining consent for initial evaluation, the requirements of subsection 6A-6.0331(1), F.A.C., related to general education 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 and/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 and/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 observation required in 2.c)iv of the criteria for eligibility for students in kindergarten through grade twelve, included under **Eligibility Criteria**, 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 section 2 above.

**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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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**Part II. Policies and Procedures for Students with Disabilities**

**Section B.14: Exceptional Student Education Eligibility for Students with Visual Impairment**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.8, 300.34, 300.172, 300.324, and 300.324  
Sections 1003.55, 1003.57, and 1003.575, Florida Statutes (F.S.)  
Rule 6A-6.03014, Florida Administrative Code (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 and/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 and/or visual motor difficulties; or
  - d) For children birth to five 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 this rule.
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/distance; corrected/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 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 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 individual educational plan (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 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 visual impairments.**

- 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 Need Occupational Therapy**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.34  
Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03025, Florida Administrative Code (F.A.C.)

**Definition**

Occupational therapy (OT) 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.

**Eligibility Criteria**

An exceptional student is eligible for occupational therapy if the student's physical motor or neurological deficits result in significant dysfunction in daily living skills, academic learning skills, or adaptive social or emotional behaviors to a degree not otherwise provided for in the exceptional student education instructional environment.

**Student Evaluation**

The need for OT as a related service is determined by the student's individual education plan (IEP) team. The minimum evaluation shall include an evaluation by an occupational therapist licensed in Florida. Although a medical prescription is not required, appropriate medical records and social history may be reviewed as a part of the evaluation process.

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

1. Individual educational plan (IEP)
  - a) An occupational therapist shall annually evaluate the student's progress in meeting annual goals, short-term objectives, or benchmarks in the IEP related to occupational therapy.
2. Instructional program
  - a) The instructional program shall be based on the student's individual educational plan and the plan of treatment developed by an occupational therapist.
  - b) 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.**

\_\_\_\_\_ 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: Exceptional Student Education Eligibility for Students who Need Physical Therapy**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.34  
Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03024, Florida Administrative Code (F.A.C.)

**Definition**

Physical therapy (PT) means services provided by a qualified physical therapist, and includes: a specially prescribed program directed toward the development, improvement, or restoration of neuromuscular or sensorimotor function, relief of pain, or control of postural deviations to attain the exceptional student's functional performance in an educational setting.

**Eligibility Criteria**

An exceptional student is eligible for physical therapy as a related service if the student has one or both of the following:

1. Identified physical impairments, motor deficits, or developmental delays that significantly interfere with the achievement of learning
2. Muscular or neuromuscular conditions, skeletal deformities, trauma, and physically debilitating conditions that limit the student's ability to attain functional performance within the educational setting.

**Student Evaluation**

The need for PT as a related service is determined by the student's individual educational plan (IEP) team. The minimum evaluation for the student as required by Rule 6A-6.03024, F.A.C., shall include an evaluation by a physical therapist licensed in this state. Prior to the determination of eligibility and in the event of a change in medical condition of the student, the school district shall have a written medical prescription for physical therapy signed by a health care practitioner, in accordance with the provisions of s. 486.021, F.S.

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

1. Individual educational plan (IEP)

A physical therapist shall annually evaluate the student's progress in meeting the annual goals, short-term objectives, or benchmarks stated in the IEP related to physical therapy.

2. Instructional program

- a) The instructional program shall be based on the student's individual educational plan and the plan of treatment developed by a physical therapist.
- b) 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.**

\_\_\_\_\_ 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: Dismissal**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.305  
Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.0331, Florida Administrative Code (F.A.C.)

**Dismissal from Exceptional Student Education for Students with Disabilities**

1. A student must be dismissed from exceptional student education (ESE) services for students with disabilities if:
  - a) Upon reevaluation, the student is determined no longer to be a student with a disability in need of special education and related services, or
  - b) The parent of the student revokes consent for services
2. 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. The procedures for reevaluation are described in the *Student Evaluations and Reevaluations* section of this document.
3. If the parent of a student with a disability revokes consent for services in writing to the district, the district must not delay cessation of special education and related services. See the *Parental Revocation of Consent for Special Education and Related Services* section of this document for additional information.
4. Dismissal from exceptional student education is considered a change in eligibility, for which prior written notice must be provided.
5. If a student is determined no longer to be eligible under one disability category, but is eligible under another disability category, this does not result in dismissal. For example, if upon reevaluation it is determined that the student no longer has a speech impairment (SI) but continues to have a specific learning disability (SLD), the student's eligibility as SI is discontinued, but the student continues to be eligible for specially designed instruction and related services as SLD.

## **Part II. Policies and Procedures for Students with Disabilities**

### **Section D: Individual Educational Plan**

#### **Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.320 and 300.328  
 Sections 1001.02, 1003.01, 1003.57, and 1008.22, Florida Statutes (F.S.)  
 Rules 6A-1.09961 and 6A-6.03028, Florida Administrative Code (F.A.C.)

#### **Definition**

An individual educational plan (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:

#### **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 a free and appropriate public education (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 the Individuals with Disabilities Education Act (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 "IEP team member excusal" below.
- c) No later than the first IEP to be in effect when the student turns 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 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 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:

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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 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 14<sup>th</sup> 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 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 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 18<sup>th</sup> 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 18 years of age.

9. 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.
- 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.

10. 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 number 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

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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:

- 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
- 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

18. 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.**

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

\_\_\_\_\_ There is no additional information for this section.

<b>Part II. Policies and Procedures for Students with Disabilities</b>
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<b>Section E: Discipline</b>
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**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§300.530–300.537  
 Sections 893.02, 893.03, 1002.20, 1003.01, 1003.31, 1003.57, and 1006.09, Florida Statutes (F.S.)  
 Rule 6A-6.03312, Florida Administrative Code (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 individual educational plan (IEP) under Rule 6A-6.03312, F.A.C., a change of placement occurs when:

- a) The removal is for more than ten consecutive school days, or
- 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 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 2 1/2 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 the following:

- Providing information and training regarding positive behavioral interventions and supports

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 10 consecutive school days

- b) May further remove a student with a disability for not more than 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 the following:

- Monitoring out-of-school suspensions, to include the review of suspension/expulsion data
- Determining whether a pattern of removals constitutes a change of placement



3. Manifestation determination

A manifestation determination, consistent with the following requirements, will be made within 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 functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (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 number 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 a free appropriate public education (FAPE) will be provided to the student with a disability, as described in number 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 number 7.

Describe the district's procedures for the following:

- Scheduling manifestation determination reviews within required timelines and determining participants for these reviews
- Initiating and conducting FBAs and BIPs in a timely manner
- Providing training regarding conducting FBAs and developing and implementing BIPs
- Providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability
- Requesting an expedited due process hearing when parents disagree with a manifestation determination

Manifestation determination (continued):

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 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 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 paragraph (b) above.

Describe the district's procedures for the following:

- Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
- Providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES

Providing FAPE for students with disabilities who are suspended, expelled, or placed in an IAES  
(continued):

6. Special circumstances and interim alternative educational settings

- a) School personnel may remove a student to an IAES for not more than 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 state education agency 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 state education agency 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 the following:

- 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
- Tracking students' removals to an IAES to ensure that the 45-school-day limit is maintained

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 20 school days of the date the request for due process is filed and an ALJ will make a determination within 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 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 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)(e), F.S.

Describe the district's procedures for the following:

- Setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing

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 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/expedited due process proceedings

When an appeal as described in number 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 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 the following:

- 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
  - For consideration by the appropriate authorities to whom school districts report crimes

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.

<b>Part II.</b>	<b>Policies and Procedures for Students with Disabilities</b>
<b>Section F:</b>	<b>Participation in State and District Assessments</b>

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §300.320

Sections 1003.01, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.25, and 1011.62, Florida Statutes (F.S.)

Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03020, 6A-6.03028 and 6A-6.0331, Florida Administrative Code (F.A.C.)

**Florida Comprehensive Assessment Test (FCAT)**

## 1. Purpose

The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children.

## 2. Student participation

- a) Each student with a disability has the opportunity to participate in the Florida Comprehensive Assessment Test (FCAT) and any districtwide assessment of student achievement with allowable accommodations, if determined appropriate by the individual educational plan (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 the FCAT are included in the test administration manual. Test administration manuals and additional FCAT information may be accessed by contacting the Florida Department of Education Bureau of Assessment and School Performance at <http://www.fldoe.org/asp/>.

**Waiver of FCAT Graduation Requirement for Students with Disabilities**

1. The FCAT graduation waiver process is designed for consideration of students with disabilities who may be eligible for a waiver on one or both sections of the FCAT.

## 2. District responsibilities

For the FCAT graduation requirement to be waived, the IEP team must meet to determine whether the FCAT 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 FCAT 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 FCAT 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 FCAT or an alternate assessment that is concordant with the FCAT; 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.

### **End of Course (EOC) Assessment Waiver for Students with Disabilities**

House Bill 1255 amended s. 1003.428(8)(b)2., F.S., and states the following:

"A student with a disability, as defined in s. 1007.02(2), F.S., 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 completing the requirements for middle grades promotion."

1. To be considered for an EOC assessment waiver, the student must meet all of the following criteria:
  - a) Be identified as a student with a disability, as defined in s. 1007.02(2), F.S.
  - b) Have an active IEP
  - c) Have taken the EOC assessment with appropriate allowable accommodations at least once
  - d) Have demonstrated, as determined by the IEP team, achievement of the course standards

#### 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 an EOC assessment waiver.

### **Florida Alternate Assessment (FAA) for Students with Significant Cognitive Disabilities**

1. Students with significant cognitive disabilities, for whom the FCAT, even with allowable accommodations, is not appropriate, may be eligible to participate in the statewide assessment program through the FAA. Aligned to the state standards, the FAA measures student academic performance on the State Standards Access Points.

#### 2. Eligibility requirements

Determination of eligibility to participate in the FAA is made by the IEP team of the student with a significant cognitive disability and recorded on the IEP based upon the following criteria:

- a) The student is unable to master the grade-level general state content standards 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 for all academic areas.
- c) The student requires direct instruction in academics based on access points to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

If it is determined by the IEP team that the student will participate in the statewide assessment through the FAA, the IEP will contain a statement of why the FCAT is not appropriate and why the FAA 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 (FCAT and/or EOC) were provided.

4. Administration of the FAA

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 FAA must be trained in administration procedures.

**Special Exemption**

1. Upon approval of the Commissioner, a student with a disability is eligible for consideration of a special exemption from participation in statewide assessments 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 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. (Many FAA participants also have these challenges.)
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 districtwide assessment of student achievement.

\_\_\_\_\_ The district does not administer a districtwide assessment of student achievement.

\_\_\_\_\_ The district administers the following districtwide assessment(s) of student achievement:

Districtwide Assessment

Corresponding Alternate Assessment

**Part II: Policies and Procedures for Students with Disabilities**

**Section G: Prekindergarten Children with Disabilities**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.25 and 300.101  
Sections 1003.01, 1003.21, and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03026, Florida Administrative Code (F.A.C.)

**Definition**

A prekindergarten child with disabilities is a child who is below five years of age on or before September 1 of the school year and has a sensory, physical, mental, or emotional condition that significantly affects the attainment of normal developmental milestones.

**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 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) Physically impaired with orthopedic impairment, other health impairment, or traumatic brain injury
  - d) Intellectual disabilities
  - e) Established conditions
  - f) Developmentally delayed
  - g) Dual-sensory impaired
  - h) Autism spectrum disorder
  - i) Speech and language impaired, requiring physical therapy, or requiring occupational therapy, if the student is eligible for one of (a) through (h) listed above
2. The child is age three through five 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) Physically impaired with orthopedic impairment, other health impairment, or traumatic brain injury
  - f) Emotional/behavioral disabilities
  - g) Specific learning disabilities
  - h) Homebound or hospitalized

- i) Dual-sensory impaired
  - j) Autism spectrum disorder
  - k) Developmentally delayed
3. The child is age five or older on September 1 of the school year, is eligible for one of the programs identified in the section above, and is assigned to a prekindergarten program in accordance with the child's individual educational plan (IEP) or individualized family support plan (IFSP).

**Child Evaluation**

- 1. Evaluations are conducted in accordance with the rule requirements of applicable special program listed here 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.

**Providing an IEP or IFSP**

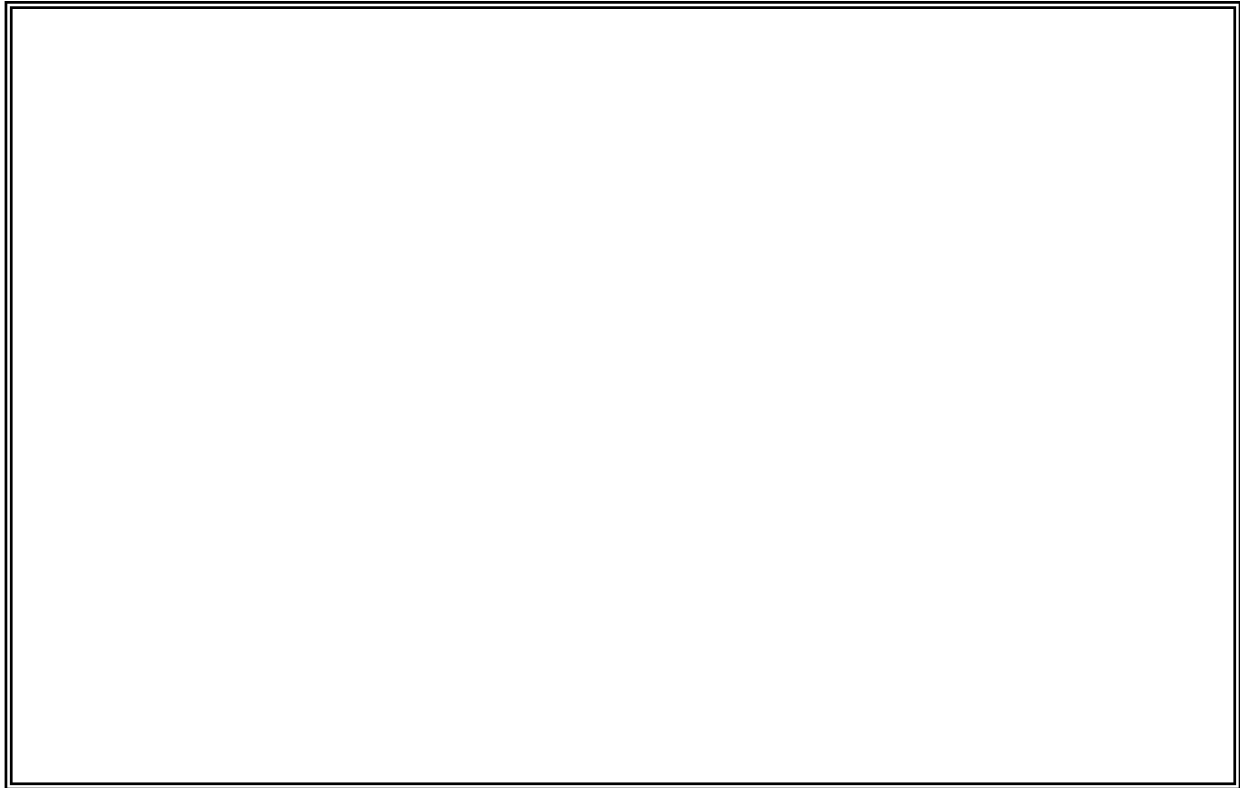
- 1. Effective July 1, 2004, the Early Steps Program has referenced the family support plan as the IFSP.
- 2. Use of an IFSP in accordance with Rule 6A-6.03029, F.A.C., is required for children ages birth through two years.
- 3. For a child age three through five, with the consent of the parent, an IFSP developed in accordance with Rule 6A-6.03029, F.A.C., may be developed in lieu of an IEP.

**Transition from Early Steps Part C Services to Part B Services**

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, are described in the space below.



## Transition from Early Steps Part C Services to Part B Services (cont.)



### 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 through five 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, and/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/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/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/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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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<b>Part II.</b>	<b>Policies and Procedures for Students with Disabilities</b>
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<b>Section H:</b>	<b>Individualized Family Support Plan for Students with Disabilities Ages Birth to Five Years</b>
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### **Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 303.340  
Sections 1003.21, 1003.03, and 1003.57, Florida Statutes (F.S.)  
Rules 6A-6.03029 and 6A-6.0331, Florida Administrative Code (F.A.C.)

### **Definition**

An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of a family of children with disabilities, ages birth through five 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 years. At the option of the district and with written parental consent, an IFSP may be used in lieu of an individual educational plan (IEP) for children with disabilities ages three through five 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 through five 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 through five 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 years

IFSPs developed for children with disabilities ages birth through two 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, to preschool services for children with disabilities ages three through five 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 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 45 days from referral;
  - A review of the IFSP for a child and the child's family must be conducted every six 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 through five are in accordance with the requirements in 6A-6.03028, F.A.C.
5. Participants in IFSP meetings (ages birth through two years)  
Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two 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 professionals from two different disciplines directly involved in conducting the evaluations and assessments. For subsequent IFSP meetings, at least two 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 through five years)  
Participants in IFSP meetings for children with disabilities ages three through five 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 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 45 days from the referral

10. Financial responsibility

- a) For children ages birth through two 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 through five 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**  
**who are Gifted**

**Part III. Policies and Procedures for Students who are Gifted**

**Section A: Exceptional Student Education Eligibility for Students who are Gifted**

**Statutory and Regulatory Citations**

Sections 1003.01 and 1003.57, Florida Statutes (F.S.)  
Rules 6A-6.03019 and 6A-6.030191, Florida Administrative Code (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 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 gifted students. 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**

\_\_\_\_\_ 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 educational plan (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 gifted student.
  - 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 gifted student 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 gifted are trained to provide a curriculum based on the educational characteristics and needs of the gifted learner.
  - d) Curriculum for each student will be determined by the educational plan (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 gifted students.
  - e) The curriculum for the gifted student will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the gifted learner 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 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) Gifted students 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 gifted until after he or she has been properly evaluated, classified, and placed in the manner prescribed.

**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.**

<p>_____ The school district has provided additional information for this section in <b>Appendix B</b> of this document.</p> <p>_____ There is no additional information for this section.</p>
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### **Part III. Policies and Procedures for Students who are Gifted**

#### **Section B: Educational Plans for Students who are Gifted**

#### **Statutory and Regulatory Citation**

Sections 1001.02, 1003.01, and 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.030191, Florida Administrative Code (F.A.C.)

#### **Procedures**

1. The district is responsible for developing educational plans (EP) for students who are identified solely as gifted.
  - 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 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 years for students in grades K–8 and at least every four 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
  - 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.
  - 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:
    - i. Detailed records of telephone calls made or attempted and the results of those calls
    - ii. Copies of correspondence sent to the parents and any responses received
    - iii. Detailed records of visits made to the parent's home or place of employment and the results of those visits
  - 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  
School Students with Disabilities**

**Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities**

**Section A: Provision of Equitable Services to Parentally-Placed Private School Students**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §§ 300.130–300.144  
Rule 6A-06.030281, Florida Administrative Code (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.

**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 the Individuals with Disabilities Education Act (IDEA) by providing them with special education and related services, including direct services determined in accordance with paragraphs 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 Department of Education (DOE), 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 through 21, an amount that is the same proportion of the school district's total subgrant under Section 611 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 21.
- b) For children aged three through five, an amount that is the same proportion of the school district's total subgrant under Section 619 of IDEA as the number of parentally-placed private school students with disabilities aged three through five 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 five.
- c) Children aged three through five 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 DOE.



## 11. Compliance

A private school official has the right to submit a complaint to the DOE 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 DOE 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 DOE. If the private school official is dissatisfied with the decision of DOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and DOE 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 individual educational plan (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 School Students with Disabilities**

**Section B: John M. McKay Scholarships for Students with Disabilities Program**

**Statutory and Regulatory Citations**

Sections 1002.39, 1002.66, and 1003.21, Florida Statutes (F.S.)

**Definition**

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an individual educational plan (IEP) or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six 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 Florida School for the Deaf and the Blind (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 Florida Education Finance Program (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 4 years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

**or**

The student has been enrolled and reported by a school district for funding, during the October and February FEFP surveys, in any of the five years prior to the 2010–2011 fiscal year; has a current IEP developed by the district school board in accordance with rules of the State Board of Education for the John M. McKay Scholarship Program no later than June 30, 2011; and receives a first-time John M. McKay scholarship for the 2011–2012 school year.

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 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the Department of Education (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 a corporate income tax credit scholarship under s. 220.187, F.S.;
  - c) Receiving an educational scholarship in accordance with Chapter 1002, F.S.;
  - d) Participating in a home education program as defined in s. 1002.01, F.S.;
  - e) 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 courses per school year;
  - f) Participating in a private tutoring program in accordance with s. 1002.43, F.S.;
  - g) Enrolled in the Florida School for the Deaf and the Blind; or
  - h) 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 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 Department of Juvenile Justice detention center for a period of no more than 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 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 of each school year and within 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 Department of Education, 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 FDOE in the spring of each school year
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 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 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 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 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 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**

**Appendix A**  
**General Policies and Procedures**

**1. Procedural Safeguards for Students with Disabilities**

The district uses the following:

\_\_\_\_\_ 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.

**2. Procedural Safeguards for Students Who Are Gifted**

The district uses the following:

\_\_\_\_\_ 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.



## 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:

#### Section

##### **II.B.1 Autism Spectrum Disorder**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.2 Deaf or Hard-of-Hearing**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.3 Developmental Delays**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.4 Dual-Sensory Impairments**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.5 Emotional/Behavioral Disabilities**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.6 Established Conditions**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.7 Homebound or Hospitalized**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.8 Intellectual Disabilities**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

##### **II.B.9 Physically Impaired with Orthopedic Impairment**

- Evaluations                       Qualified Evaluators  
 Unique Philosophical, Curricular or Instructional Considerations

**II.B.10 Physically Impaired with Other Health Impairment**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.11 Physically Impaired with Traumatic Brain Injury**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.12 Specific Learning Disabilities**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.13 Speech and Language Impairments**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.14 Visual Impairments**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.15 Related Services – Occupational Therapy**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.16 Related Services – Physical therapy**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.D. Individual Educational Plans (IEPs)**

- Development and implementation

**II.G. Prekindergarten Children with Disabilities**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**III.A. Gifted**

- Evaluations                       Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**Appendix C**  
**District Plan to Increase the Participation of**  
**Underrepresented Students in the Program for Gifted Students**

**1. Current Status**

Category	All Students #	Gifted Students #	Gifted Students %**
Total Student Population			
Limited English Proficient*			
Low Socio-Economic Status Family			

\* Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF"

\*\* % of gifted students equals the # of gifted students within a category divided by the total number of students within that category

**2. District Goal**

In the space below, provide the district's goal to increase the participation of students from underrepresented groups in programs for gifted students, including which category(ies) are targeted.

**The district's plan addressing each of the following areas is included as an attachment:**

**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 and/or Adaptations**

- A description of the instructional program modifications and/or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students

## **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 gifted students

**Appendix D**  
**District Policies Regarding the Use or Prohibition of**  
**Manual Physical Restraint and/or Seclusion**

\_\_\_\_\_ The school district's policies regarding the use or prohibition of manual physical restraint of students with disabilities are included as an attachment.

\_\_\_\_\_ The school district's policies regarding the use or prohibition of seclusion of students with disabilities are included as an attachment.

**Appendix E**  
**Policies and Procedures Unique to**  
**Developmental Research (Laboratory) Schools**

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.).

In the space below, describe the exceptional education services available within the lab school:

The following pages are intended for inclusion of additional information as needed for Part III, Section 1, Programs For Students Who Are Identified As Gifted

## **PLAN A**

### REFERRAL:

Initial referral is made. Initial referrals (nominations) can be made by the student, parent, teacher, peer, or community member.

Informed parental consent for evaluation is obtained by the Exceptional Student Education Contact.

### SCREENING:

School-based qualified evaluator administers intellectual screening. The following screening criteria will be used to determine if further evaluation is needed:

1. An intelligence score of 120 or higher is obtained on current editions of instruments such as the Kaufman Brief Intelligence Test; Slosson; or Test of Nonverbal Intelligence; AND
2. The student demonstrates strengths in one or more academic areas based on progress reports, report cards, work samples, test scores, portfolios, and / or grades.

If screening components are met, referral is made to the psychologist for intellectual assessment and achievement testing. The appropriate teacher completes the Gifted Characteristics Checklist. If screening components are not met, process ends.

### EVALUATION:

1. Gifted Characteristics Checklist; AND
  2. An individually administered current edition of a standardized test of intelligence; AND
  3. An individually administered current edition standardized achievement test in reading and math.
- \*Only evaluations completed after January 1st of the calendar year that a student enters Kindergarten will be accepted for consideration for gifted eligibility.**

### ELIGIBILITY

1. The student demonstrates a need; AND
2. The student demonstrates a majority of characteristics of gifted on the Gifted Characteristics Checklist; AND
3. The students demonstrates a 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.

Child Study Team (to include invited parent, classroom teacher, ESE Contact/LEA, evaluation specialist, and gifted endorsed teacher) meets to determine eligibility/ ineligibility. If eligible, team develops Education Plan and obtains consent for placement.

## **PLAN B (for Underrepresented Groups: Low Socio-Economic and English Language Learners)**

### REFERRAL:

Initial referral is made. Initial referrals (nominations) can be made by student, parent, teacher, peer, or community member.

### SCREENING:

None

### EVALUATION:

1. Child Study Team [to include invited parent, classroom teacher, LEP community representative (if student is receiving ELL services), ESE Contact/LEA, and evaluation specialist] meets to review classroom performance, past school performance, school-based evaluation result, work samples, and FCAT scores.
2. Informed parental consent for evaluation is obtained and a referral is sent to school psychologist for intellectual and achievement evaluation.
3. Teacher completes Gifted Characteristics Checklist for Underrepresented Populations
4. Upon completion of evaluations, ESE Contact or designee completes the Gifted Plan B Matrix.

**\*Only evaluations completed after January 1st of the calendar year that a student enters Kindergarten will be accepted for consideration for gifted eligibility.**

### ELIGIBILITY:

Completion of ALL five (5) criteria on the Gifted Plan B Underrepresented Matrix, with a minimum score of 30 points and Cognitive Assessment (Intelligence Quotient [IQ]) of 112.

1. Cognitive Assessment – Verbal, Nonverbal, or Full Scale score as determined appropriate by evaluation specialist.
2. An Individual Standardized Achievement Test (current edition).
3. Classroom Performance (Record of Classroom Progress Report Card or Kindergarten Skills Checklist of Skills Mastered)
4. Gifted Characteristics Checklist for Underrepresented Populations
5. Portfolio of Student

If eligible, team develops Educational Plan and obtains consent for placement. If ineligible, process ends.

### INSTRUCTIONAL PROGRAM MODIFICATIONS AND/OR ADAPTATIONS

The gifted education program serves the needs of academically gifted students of all races, ethnicity, and socioeconomic status. Identification procedures for gifted education programs are diverse and sensitive enough to allow students from a variety of cultures and backgrounds to demonstrate their highest level of ability. The programs for gifted students is based upon the identified needs of individual students. Unique characteristics of the gifted students are addressed with individual planning and a



differentiated curriculum. An array of program options are available, all of which provide differentiated education services, including full-time gifted classes and resource programs.

Teachers are knowledgeable regarding the characteristics of gifted students in order to make appropriate referrals. Teachers of gifted students are knowledgeable regarding the needs and best practices that will provide varied and differentiated educational services. Teachers of the gifted are provided on-going training in best practices. A forum exists where parents, educational professionals and gifted students work together to provided the most current and effective educational practices.

#### DISTRICT EVALUATION PLAN

(Use Continuous Improvement Progress Plan here.)

**School District of Palm Beach County  
Special Programs and Procedures Document (2009-2012)**

**Appendix F**

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

<u><b>Name of Agency</b></u>	<u><b>Instructional Personnel Assigned</b></u>
Palm Beach Community College Habilitation Center for the Handicapped Palm Beach Habilitation Gulfstream/Goodwill Industries Easter Seals Rehab. Ctr. for Children and Adults, St. Mary's Early Inter., Home Instruction Providers Addison Academy Advent Lutheran, Early Childhood Division Apostolic Child Dev. Centers, Inc., Apostolic Pride & Joy, Mt. Zion Apostolic Child Dev. Centers. Apostolic Children's Academy for Growth and Education, Inc., Betty and Marvin Zale Early Childhood Learning Ctr., BB Head Start, Bright Ideas, Inc., Building Blocks, Cambridge School, Country Day of Jupiter, DB Head Start, Discovery Pre-School, Department of Juvenile Justice Programs East Coast Migrant HS Project, Easter Seals HS, JCC Early Childhood Centers Building Blocks, Florence Fuller Child Dev. Centers Highridge Learning Center	Designated ESE personnel (e.g. ESE teacher, transition specialist, ESE resource teacher, Program Planner, Pre-K specialist, and/or district support staff) are assigned as per the nature and needs of the program.

**School District of Palm Beach County  
Special Programs and Procedures Document (2009-2012)**

**Appendix F - Continued**

**Name of Agency**

Hillel Day School  
Hispanic Human Res., Inc.  
Holland Northlake Day School  
Jupiter HS, Kidstop Early Learning  
Kidstown Learning Center  
King's Kid Early Learning Center, Inc.  
Lutheran Svcs/Peppi HS,  
My First Steps, Northtree Learning Center  
Pahokee HS  
PBCC  
Palm Glades HS  
Planet Kids, Prof. Learning Center  
Puffin Ventures Pre-School,  
Redlands Christian,  
Riverside Youth Enrollment Center  
Riviera Beach HS  
RP Montessori,  
South Bay HS  
Temple Beth El,  
Union Baptist,  
West Glades Montessori  
WPB HS  
Westgate HS  
YWCA  
Zion's Academy

**Instructional Personnel Assigned**

Designated ESE personnel  
( e.g. ESE teacher, transition  
specialist, ESE resource teacher,  
Program Planner, Pre-K specialist,  
and/or district support staff) are  
assigned as per the nature and  
needs of the program.

**School District of Palm Beach County  
Special Programs and Procedures Document (2009-2012)**

**Appendix F**

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

<b><u>Name of Agency</u></b>	<b><u>Instructional Personnel Assigned</u></b>
Addison Academy	Designated ESE personnel (e.g. ESE Teacher, transition specialist, ESE resource teacher, Program Planner, Pre-K specialist, and/or district support staff) are assigned as per the nature and needs of the program.
Advent Lutheran, Early Childhood Division	
Apostolic Child Development Centers, Inc.,	
Apostolic Pride & Joy	
Apostolic Children's Academy for Growth and Education, Inc.	
Betty and Marvin Zale Early Childhood Learning Center	
Boynton Beach Head Start	
Bright Ideas, Inc.	
Building Blocks at the Cambridge School	
Building Blocks at the Florence Fuller Child Development Center	
Country Day School of Jupiter,	
Delray Beach Head Start Program	
Discovery Pre-School	
Department of Juvenile Justice Programs	
East Coast Migrant High School Project	
Easter Seals of Palm Beach County	
Gulfstream/Goodwill Industries	
Habilitation Center for the Handicapped	
Jewish Community Center Early Childhood Program	
Highridge Learning Center	
Hillel Day School	
Hispanic Human Resources, Inc.	
Holland Northlake Day School	
Jupiter HS, Kidstop Early Learning	
Kidstown Learning Center	
King's Kid Early Learning Center, Inc.	
Lutheran Services/Peppi High School	
My First Steps, Northtree Learning Center	
Mt. Zion Apostolic Child Development Centers	
Pahokee HS	
Palm Beach Community College	
Palm Beach Habilitation Center	
Palm Glades High School	
Planet Kids, Professional Learning Center	
Puffin Ventures Pre-School	
Redlands Christian,	
Riverside Youth Enrollment Center	
Royal Palm Beach Montessori Academy	

**School District of Palm Beach County  
Special Programs and Procedures Document (2009-2012)**

**Appendix F- Continued**

**Name of Agency**

**Instructional Personnel Assigned**

Rehabilitation Center for Children and Adults  
South Bay Programs  
St. Mary's Early Intervention Home Instruction Providers  
Temple Beth El Early Childhood Program  
Union Baptist Church School  
West Glades Montessori Academy  
YWCA of Palm Beach County  
Zion's Academy

Designated ESE personnel  
(e.g. ESE teacher, transition  
specialist, ESE resource teacher,  
Program Planner, Pre-K specialist,  
and/or district support staff) are  
assigned as per the nature and needs  
of the program.

Title 6Gx50  
Chapter 5. Pupil Personnel  
Section 5.181-ER

Policy **5.181-ER Policy for the Use of Physical Restraint With Students With Disabilities**

1. **Purpose of Policy.** The School Board of Palm Beach County (Board) acknowledges that students, their families, and personnel of the School District of Palm Beach County (District) have serious concerns about the use of seclusion and restraint with students with disabilities. This Policy addresses those serious concerns and underscores that District personnel must always use the least intrusive measures possible under the circumstances to ensure the physical safety and security of students with disabilities, District personnel, and campus visitors.

The use of seclusion is prohibited in Palm Beach County Public Schools. Thus, this Policy defines the limited, emergency circumstances in which staff and school personnel of the District may use physical restraint on students with disabilities, who are eligible under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and State law.

This Policy seeks to reduce the use of restraint throughout the District while still helping to instill an educational culture that promotes a positive, safe learning environment for students with disabilities and District personnel.

2. **General Applicability of Policy**

- a. This Policy applies to all District schools, students with disabilities and school-based District personnel.
- b. This Policy describes the procedures to be followed in the administration of restraint, required training and certification, notice to parents, and documentation requirements.
- c. Restraint must only be used as a safety measure, within a comprehensive approach to a student's behavioral challenges, including accurate and continuous data related to fidelity of implementation and impact on behavioral outcomes.
- d. This Policy does not eliminate or restrict the ability of trained and certified District personnel to use their discretion in the use of restraint to protect students or others from an imminent risk of serious injury or death as provided in this Policy.
- e. This Policy does not limit or interfere with the duties and obligations of law enforcement and emergency medical personnel to respond appropriately to situations where an imminent risk of serious injury or death to a student or others exists.

3. **Definitions.** The following Policy terms are listed in alphabetical order and shall have the meanings expressly assigned to them for the purposes of this policy.

- a. "**Emergency**" means a significant, probable, imminent threat of serious bodily injury or death to self or others with the present ability to affect such bodily injury.
- b. "**FLDOE**" means the Department of Education, State of Florida.
- c. "**Functional Behavior Assessment (FBA)**" is a team process utilized to gain information about an individual who is demonstrating extreme or continuous behaviors that are dangerous to himself/herself or others. The information gathered during the FBA process is utilized to develop the individual Behavior Intervention Plan.
- d. "**Individual Education Plan (IEP)**" means a written statement for a student with a disability that is developed, reviewed and revised in accordance with State Board of Education Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- e. "**Imminent risk of serious injury or death**" means an immediate, high probability of significant injury to a student or others, such as a laceration, bone fracture, hematoma, bruise, injury to internal organs, or similar serious bodily injury.
- f. "**Parent**" or "**Parents**" means one or both parents of a student, any legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the

parent. Fla. Stat. §1000.21(5).

- g. **"Physical escort"** means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is non-compliant to walk to a safe location. The term physical restraint does not include physical escort.
- h. **"Physical restraint procedures"** means that in order to promote and maintain a safe learning environment, the School Board, as an emergency intervention measure and as a last resort, has authorized the implementation of specific restraint procedures for its population of students with disabilities. Examples of physical restraint procedures include, but are not limited to: professionally sanctioned holding and escape techniques which, when implemented in accordance with approved, evidence - and research-based practices, are specifically designed to prevent injury to students and staff and/or prevent serious damage to school and personal property.
- i. **"Positional asphyxia"** means a person's inability to intake a sufficient amount of oxygen as a result of body position that interferes with the person's ability to breathe and maintain normal brain function.
- j. **"Positive behavioral interventions and supports"** (PBIS) is decision making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for students.
- k. **"Restraint"** means any method used to involuntarily limit a student's freedom of movement, including, but not limited to, bodily physical force in the least amount necessary to prevent a student from harming self or others. Restraint may be used only by District staff trained in the appropriate use of restraint.
  - i. **"Chemical restraint"** means the use of drugs to restrict a student's movement or restrict the normal function of a student's body. The use of chemical restraint is prohibited without exception. Chemical restraint does not include: prescription medicine that is regularly administered to the student for medical reasons rather than to restrain the student's freedom of movement (e.g. medications to treat mood disorders, ADHD, etc.); or the administration of medication pursuant to applicable law, or administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens or Diastat).
  - ii. **"Mechanical restraint"** means the use of any device, material or equipment to restrict a student's freedom of movement. The use of mechanical restraints in the District is prohibited. Examples of prohibited mechanical restraints include, but are not limited to: belts, vests, helmets, padded mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket wrapping, harnesses, tape and trays.
    - A. *Exceptions:* The prohibition against mechanical restraint does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professionals and are used for the specific, approved purposes for which such devices were designed, such as:
      - I. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports, except that these exceptions to the definition of mechanical restraint do not apply to any device when it is used for any purpose other than supporting a body position or proper balance, such as when used as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any other behavior management reason;
      - II. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle, such as seatbelts or wheelchair tie-downs;
      - III. Restraints for medical immobilization;
      - IV. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm;
      - V. Medical protective equipment; and
      - VI. Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment that is ongoing in the educational setting.

- iii. Physical restraint refers to the use of physical intervention techniques by District personnel designed to restrict the movement of a student in an effort to de-escalate aggressive behavior. In order to promote a safe learning environment, the School Board has authorized the implementation of specific restraint procedures for **this population of** students. These procedures include, but are not limited to, holding and escape techniques which, when implemented in accordance with approved practices, are designed to prevent injury to students and staff or prevent serious damage to property. Physical restraint does not include any form of mechanical restraint, such as blanket wrapping, tie-downs, harnesses, or use of tape.
  - l. "**Seclusion**" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion may not be used under any circumstances in Palm Beach County Schools.
  - m. "**Temporary holding**" means the act of assisting a student without the use of force to aid the student in participating in educational or daily living activities. Examples of temporary holding include: briefly holding an ESE student in order to calm and comfort the student; holding a student's hand or arm to escort the student safely from one area to another; holding a child for a brief time in order to prevent an impulsive behavior that threatens the child's immediate safety (e.g., elopement; running in front of a car); moving a student who is disruptive in a specified area and unwilling to leave that area voluntarily; breaking up a fight in a school building, on school grounds, or at a school function. Temporary holding is not considered a physical restraint under this Policy.
4. **Statement of Policy.** The School Board recognizes its responsibility to ensure that all students are treated with respect and dignity in an environment that provides for the physical safety and security of all students, District personnel and campus visitors. In accordance with state law, the School Board seeks to ensure that physical restraint is administered on students with disabilities consistent with this Policy. Thus District personnel are authorized to physically restrain students with disabilities only in the limited situations as provided in this Policy.
- a. *Administered By Trained District Personnel.* Without exception, restraint decisions must be made by trained and certified District personnel, who will ensure that each restraint event is performed safely, for the least amount of time necessary, with an emphasis on de-escalation of potentially dangerous incidents, and affording the minimum risk to the student, classmates, teachers, and staff.
  - b. *Prohibitions.* As more specifically described in Section 6 of this Policy, the School Board hereby prohibits:
    - i. District personnel from communicating or implying any form or threat of restraint, seclusion, behavioral intervention, or other interaction with any student that employs humiliation, embarrassment, withholding of basic needs, or the intentional creation of punishment, pain or discomfort, in any form.
    - ii. The use of restraint for the purposes of discipline, punishment, or convenience.
    - iii. The use of restraint that restricts a student's ability to breathe, or that causes positional asphyxia by impacting the student's ability to take in a sufficient amount of oxygen.
    - iv. The use of mechanical restraints on any student.
    - v. The use of chemical restraints on any student.
    - vi. The seclusion of a student.
  - c. *Behavioral Assessment or Intervention.* Students who exhibit continuous aggression or self-injurious behavior shall be provided with a Functional Behavior Assessment (FBA) and an individualized Behavioral Intervention Program (BIP), as set forth in State Board of Education Rule 6A-6.03312. PBSD Form 1549 is incorporated herein by reference ([www.palmbeachschools.org/forms](http://www.palmbeachschools.org/forms)). A FBA or BIP may be initiated at the request of the 504 or IEP team.
5. **Use of Restraint.**
- a. District personnel trained in District-approved restraint methods must determine, by evaluating each individual circumstance, whether restraint is appropriate, based on assessment of whether an emergency, where an imminent risk of serious injury or death to the student or others, exists.
  - b. In each restraint event,



- i. Restraint shall be used only for the minimum time required to reduce the imminent risk of serious injury or death to the student or others.
  - ii. Personnel must limit the degree of physical force used so that a student receives the least amount necessary to reduce the imminent risk of serious injury or death to the student or others.
  - iii. Each student shall be vigilantly monitored for the duration of the intervention.
  - iv. To the maximum extent practicable, students should be evaluated during and as soon as possible after the intervention.
- c. Restraint should be performed in a private location, to the maximum extent practicable under the circumstances.
  - d. If restraint cannot be implemented in a private location, District personnel should, to the maximum extent practicable, remove other students from the incident area, in order to protect them and to provide the maximum amount of privacy for the student.
  - e. District personnel who have received training in restraint not associated with their District employment shall first be trained and certified in the District's approved restraint methods before implementing any form of restraint.
  - f. Schools designated as ESE cluster sites should maintain a team with a minimum of four (4) persons trained and certified in restraint.

## 6. **Prohibited Actions.**

- a. District personnel are prohibited from using restraint procedures acquired outside of their District training.
- b. Restraint must never be used:
  - i. In situations where a student cannot be safely restrained
  - ii. As punishment, for the convenience of staff, or as a substitute for a Functional Behavior Assessment (FBA) and an individualized Behavioral Intervention Program (BIP).
  - iii. If the intervention would be contraindicated due to a student's psychiatric, medical, or physical condition, as documented in the student's records.
  - iv. After the student is no longer an immediate danger to self or others.
  - v. If a student is reasonably observed to be in physical or mental distress.
  - vi. For more time than the absolute minimum time necessary.
- c. School personnel shall never use:
  - i. Pain inducement to obtain a student's compliance.
  - ii. Bone locks.
  - iii. Any technique resulting in hyperextension of joints.
  - iv. Peer restraint.
  - v. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
  - vi. Any restraint that restricts, or has the potential to restrict, a student's breathing, which can cause asphyxia and death, including covering a student's mouth, nose, or body with anything, including soft objects such as pillows or washcloths.
  - vii. Any type of choke hold, including hand chokes, and any type of neck or head-hold.

- viii. Any technique that involves pushing on or into the student's mouth, nose, eyes, or any part of the face that is not part of an approved crisis intervention technique.
  - ix. Any restraint that involves punching, hitting, poking, pinching, or shoving.
  - x. Aversive sprays or liquids, or acting in a threatening manner toward a student as if an aversive will be used.
  - xi. Prone or supine restraint on a student known to be diagnosed with breathing or circulation problems, such as asthma; epilepsy; heart condition; gastro-esophageal reflux disease; chronic heartburn reflux; or esophagitis.
  - xii. Techniques that involve any form of straddling or sitting on any part of the body or implementing any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the student's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- d. Specific prohibited actions include, but are not limited to:
- i. Restraining a student in such any way that it places excess pressure on the student's chest, back, or could reasonably be anticipated to cause, positional asphyxia.
  - ii. Restraining or secluding a student in a way that inhibits or impedes the student's ability to speak with others.
  - iii. Use of any mechanical restraint, such as belts, vests, helmets, padded mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket wrapping, harnesses, tape and trays, unless:
    - A. The mechanical restraint has been prescribed by an appropriate medical or related service professional and is used for the specific, approved purposes for which such devices were designed.
    - B. It is a vehicle safety restraint, when used as intended during the transport of a student in a moving vehicle, such as seatbelts or wheelchair tie-downs.
    - C. The purpose is for medical immobilization.
    - D. The restraint is orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
    - E. It is medical protective equipment.
    - F. It is physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment, which is ongoing in the educational setting.

## 7. Notification, Documentation and Reporting.

- a. *Initial Notification to and Acknowledgement of Parent.* The principal or designee shall notify parents or legal guardians each time physical restraint is used. Such notification must be in writing and provided before the end of the school day on which the restraint occurred. (*District's notification letter to parents is incorporated herein by this reference and attached as Exhibit A to this Policy* ). Reasonable efforts must also be taken to notify the parents or guardians by telephone or computer e-mail (or both) and those efforts must be documented. The principal or designee shall obtain, and keep in school records parents' or guardians' signed acknowledgment that they were notified of their child's restraint.
- b. *Incident Report of Used Restraint.* In compliance with Fla. Stat. §1003.573, the principal or designee shall prepare an incident report within twenty-four (24) hours after a student is released from restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens. The incident report shall be completed on the FLDOE web-based reporting and a copy to the parent/guardian as required by subparagraph (c) herein. Each incident report must include the following information:

- i. The name of the student restrained;
- ii. The date and time of the event and the duration of the restraint;
- iii. The location at which the restraint occurred;
- iv. The type of restraint used;
- v. The name of the person using or assisting in the restraint of the student;
- vi. The name of any non-student who witnessed the restraint;
- vii. A description of the incident, including:
  - A. The context in which the restraint occurred.
  - B. The student's behavior leading up to and precipitating the decision to use manual physical restraint, including an indication as to why there was an imminent risk of serious injury or death to the student or others.
  - C. The specific positive behavioral strategies used to prevent and deescalate the behavior.
  - D. What occurred with the student immediately after the restraint terminated.
  - E. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint, documented according to District policies.
  - F. Evidence of steps taken to notify the student's parent or guardian.
- c. *Incident Report to Parent.* The principal or designee shall provide parents with the completed incident report by mail within three (3) school days after a student was physically restrained. Schools shall obtain, and maintain in a secure location, parents' signed acknowledgment that they received a copy of the incident report. Schools will mail the completed incident report to parents, including a self-addressed stamped envelope for parents to return the signature page to school.

## 8. **Training and Certification of District Staff**

- a. *Responsibilities for Training and Certification.* The Superintendent or designee shall ensure the District has instituted a training and certification program, including refresher certification, designed to address the use of restraint with students with disabilities, consistent with standards provided by FLDOE. The District's Department of ESE will coordinate the designation, training, and related recordkeeping for District employees working with students with disabilities trained in restraint methodology, as well as coordinate and comply with all required reporting requirements to FLDOE. In the event that a person or entity not employed by the District maintains the District's certification and training records, that information must be made readily available to the District upon request.
- b. *Training and Certification Program Consistent with guidelines of FLDOE,* the District-approved restraint training methodology shall include, but not be limited to:
  - i. Procedures for deescalating problem behaviors before they increase to a level or intensity necessitating physical intervention.
  - ii. Information regarding the risks associated with physical restraint, as well as procedures for assessing individual situations and students, in order to determine if the use of restraint is appropriate and sufficiently safe.
  - iii. The actual use of specific techniques that ranges from the least to most restrictive, with ample opportunity for trainees to demonstrate hands-on proficiency in their use.
  - iv. Techniques for implementing physical restraint, with multiple staff members working as a team.
  - v. Techniques for assisting a student to reenter the instructional environment and again engage in learning.

- vi. Instruction in the District's documentation and reporting requirements.
  - vii. Procedures to identify and effectively respond to potential medical emergencies arising during the use of restraint.
- c. *Maintenance and Reporting of Training and Certification.* The District must maintain records identifying the name and position of each person trained and certified; the date of the most recent certification or training; an indication of whether it was an initial certification or training or a refresher certification or training; and whether the individual successfully completed the certification or training and achieved proficiency. In the event that a person or entity not employed by the District maintains the District's certification and training records, that information must be made readily available to the District upon request.
- d. *Maintenance of Certification by Staff.* Current certifications must be maintained by all District staff who have successfully completed the initial restraint training program. Therefore, prior to restraining a child District personnel shall receive annual certification.

## 9. **Monitoring.**

- a. In compliance with Fla. Stat. §1003.573:
  - i. The District must undertake comprehensive monitoring of the use of restraint on students at the school classroom, building, District, and State levels.
  - ii. Each month that the District's schools are in session, all required restraint documentation will be made accessible via a web-based reporting system to school principals, the District's Director of ESE, and the Bureau Chief of the Bureau of Exceptional Education and Student Services.
- b. District-level administrators are responsible for regular oversight and data analysis of all restraint events. The ESE Director or designee will monitor the restraints that have been reported by District, school and classroom level.
- c. If there are more than three (3) restraints occurring on one student within a one (1)-month period, an IEP or 504 Team must convene to consider development or review of a Functional Behavior Assessment (FBA) and an individual Behavior Intervention Plan (BIP). Where there are more than three (3) restraints occurring during a school year, the IEP or 504 Team must address the frequency and duration of the restraints.
- d. If there are more than five (5) restraints occurring during a one (1)-month period at an individual school, the ESE Director or designee will contact the school principal and monitor whether there are any particular teachers and/or staff members in need of additional behavioral intervention and/or support.
- e. If there are more than ten (10) restraints occurring at an individual school in the course of a school year, the Program Planner for Autism and E/BD programs or designee will visit the school and provide technical assistance. At any time, a principal may request support from the ESE Department's behavior team.
- f. All documentation regarding a restraint is maintained in the student's confidential file.
- g. Any revisions to this Policy must be filed with the State's Bureau Chief of the Bureau of Exceptional Education and Student Services.

## 10. **Plans and Programs.**

- a. This Policy does not modify, interfere with, or substitute for the District's non-delegable responsibility under Federal and State law to identify, evaluate, and address the specific, individualized behavioral needs of children with disabilities.
- b. Where appropriate, this Policy permits a student's educational and behavioral plans to include the use of restraint in specified emergency situations.

## 11. **Policy Interpretation.**

- a. This Policy shall be interpreted to comply with all Federal and State laws, regulations, rules and guidance, with particular attention to Fla. Stat. §1003.573, and the Technical Assistance Paper issued by the Florida Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services

("Guidelines for the Use, Documentation, Reporting, and Monitoring of Seclusion and Restraint with Students with Disabilities").

- b. This Policy shall not be construed to restrict the ability of law enforcement officers, as defined by Fla. Stat. §943.10, to perform any of their lawful duties under State law.
- c. This Policy shall be timely revised as necessary to ensure compliance with all Federal and State laws, regulations, rules and guidance.

STATUTORY AUTHORITY: Fla. Stat. §§ [394](#); [1001.41\(2\)](#); [1001.42\(22\)](#); [1001.43\(1\)](#); [1003.573](#); [1006.07](#); [1006.11](#); [1003.32](#); [34 CFR 300.504](#); [State Board Rule 6A-6.0311](#)

LAWS IMPLEMENTED: Fla. Stat. §§ [1001.43\(1\)](#); [1003.31\(1\)&\(3\)](#); [1003.32](#); [1003.573](#); [1006.07](#); [1006.09](#); [1006.11](#);

RULES SUPPLEMENTED: SBER [6A-6.03312](#) & [6A-6.03311](#); [34 CFR 300.504](#)

HISTORY: 8/17/94; 11/5/08; 3/30/2011-ER