



## POLICY 5.725

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

[Contact: Laura Pincus, PX 48626.]

### Adoption

### CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on June 3, 2009. On that same date, the Board approved the Policy as an emergency rule, which was to be valid for 90days.
- The content and format of the document entitled “**Exceptional Student Education Policies and Procedures (SP&P) with effective dates of 2009-2010 through 2011-2012**” that is referenced and incorporated into this Policy has been mandated by the Florida Department of Education (“DOE”). The SP& P is attached hereto following the Policy.
- Section 1003.57(1)(d), Florida Statutes, requires that district school boards submit to the Department of Education proposed procedures for the provision of special instruction and services for exceptional students (SPP document) once every three years. This document serves as the basis for the identification, evaluation, eligibility determination and placement of students in special programs for exceptional students.
- The Florida Department of Education (DOE) requires the approval of this document as a prerequisite for district's use of weighted cost factors (funding) under the Florida Education Finance Program (FEFP).
- The DOE Memorandum that requires the District's approval and submission of this document is attached to this Board report.
- Staff advises that subsequent to the June 3, 2009 Board Meeting, an executed SP&P was timely submitted to DOE and DOE has approved it.

POLICY 5.725

1 ~~POLICIES AND PROCEDURES FOR THE PROVISION OF SPECIALLY DESIGNED~~  
2 ~~INSTRUCTION AND RELATED SERVICES FOR EXCEPTIONAL STUDENTS~~  
3 EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)  
4

- 5 1. Pursuant to Fla. Stat. § 1003.57(1)(d) and State Board of Education Rule 6A-  
6 6.03411, the School Board of Palm Beach County is required, once every three  
7 years, to submit to the Department of Education its proposed procedures for the  
8 provision of special instruction and related services for exceptional students.
- 9 2. The procedures document for the Palm Beach County School District, entitled  
10 "~~Policies and Procedures for the Provision of Specially Designed Instruction and~~  
11 ~~Related Services for Exceptional Students~~" with effective dates of 2004-2005  
12 through 2006-2007, as revised October 5, 2006, and amended on July 1, 2007 with  
13 a new effective date through June 30, 2008, "Exceptional Student Education  
14 Policies and Procedures (SP&P) with effective dates of 2009-2010 through 2011-  
15 2012", as may be amended or updated by or at the direction of the Department of  
16 Education or State Board of Education in the future, is incorporated by reference  
17 into this Board Policy. ~~Copies~~ A copy of this Policy and Procedures document are  
18 is available in the District's ESE Department and is online on the District's ESE  
19 Department's website at: [www.palmbeach.k12.fl.us/ESE/PDF Files/pb\\_spp.pdf](http://www.palmbeach.k12.fl.us/ESE/PDF%20Files/pb_spp.pdf).

20 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23)(25)

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

22 RULE SUPPLEMENTED: SBER 6A-6.03411

23 HISTORY: 3/28/2007; 12/5/07; \_\_/\_\_\_2009

Legal Signoff:

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

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Attorney

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Date

# FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of Education



## MEMORANDUM

**TO:** Exceptional Student Education Directors

**FROM:** Bambi J. Lockman, Chief  
Bureau of Exceptional Education and Student Services

**DATE:** May 5, 2009

**SUBJECT:** Submission of *Exceptional Student Education Policies and Procedures* Document (SP&P) for the 2009-2010 through the 2011-2012 School Years

Section 1003.57(1)(d), Florida Statutes (F.S.), requires that district school boards submit to the Department of Education (DOE) proposed procedures for the provision of special instruction and related services for exceptional students once every three years. Approval of this document by DOE is required by Rule 6A-6.03411, Florida Administrative Code (F.A.C.), as a prerequisite for districts' use of weighted cost factors under the Florida Education Finance Program (FEFP). This document also serves as the basis for the identification, evaluation, eligibility determination, and placement of students to receive exceptional education services, and is a component of your district's application for supplemental student funds available under the Individuals with Disabilities Education Act (IDEA).

The enclosed table indicates those sections of the SP&P that require additional information to be provided by the district, those sections for which additional information is optional, and the sections that do not allow for additional information to be provided. **The district is required to submit its completed SP&P to the Bureau no later than June 15, 2009.** Upon final review and approval by bureau staff, you will receive official notification of approval of your SP&P document. If you have questions or concerns regarding the SP&P, please contact your Bureau liaison or Patricia Howell at (850) 245-0476.

cc: Frances Haithcock  
Mary Jane Tappen  
Lois Tepper  
Assistant Superintendent of Curriculum and Instruction  
Kim C. Komisar  
Patricia Howell

**BAMBI J. LOCKMAN**  
*Chief*  
*Bureau of Exceptional Education and Student Services*

## Exceptional Student Education Policies and Procedures

The table below indicates, by section, where additional information is required, optional, or not applicable (N/A).

Additional Information	Section	Page(s)
<b>General Policies and Procedures</b>		
N/A	Legal Requirements	4
<b>Required</b>	<b>Assurances</b>	<b>5-12</b>
<b>Procedural Safeguards</b>		
<b>Required</b>	<b>Exceptional Student Education Procedural Safeguards</b>	<b>13</b>
N/A	Parental Revocation of Consent	14
N/A	Transfer of Parental Rights at Age of Majority	15
N/A	Surrogate Parents	16-17
N/A	Transferring Exceptional Students	18
N/A	Access to Public Benefits or Insurance	19
<b>Required</b>	<b>General Education Intervention and Referral</b>	<b>20-26</b>
<b>Required</b>	<b>Student Evaluations and Reevaluations</b>	<b>27-31</b>
N/A	Qualified Evaluators	32-33
N/A	Evaluation Instruments	34-50
<b>Policies and Procedures for Students with Disabilities</b>		
N/A	Instructional Program	52
<b>Eligibility and Programs</b>		
Optional	Autism Spectrum Disorder	53-54
Optional	Deaf or Hard-of-Hearing	55-57
Optional	Developmental Delay	58-60
Optional	Dual-Sensory Impairments	61-64
Optional	Emotional/Behavioral Disabilities	65-67
Optional	Established Conditions	68-69
Optional	Homebound or Hospitalized	70-71
Optional	Intellectual Disabilities	72-73
Optional	Physically Impaired with Orthopedic Impairment	74
Optional	Physically Impaired with Other Health Impairment	75
Optional	Physically Impaired with Traumatic Brain Injury	76-77

<b>Additional Information</b>	<b>Section</b>	<b>Page(s)</b>
<b>Required;</b> Optional	<b>Specific Learning Disabilities</b>	<b>78-84</b>
Optional	Speech and Language Impairments	85-87
Optional	Visual Impairment	88-90
Optional	Related Services – Occupational Therapy	91
Optional	Related Services – Physical Therapy	92-93
N/A	Dismissal	94
<b>Required;</b> Optional	<b>Individual Educational Plan</b>	95-103
N/A	Discipline	104-109
<b>Required</b>	<b>State and District Assessments</b>	<b>110-112</b>
<b>Required;</b> Optional	<b>Prekindergarten Children with Disabilities</b>	<b>113-116</b>
N/A	Individualized Family Support Plan	117-120
<b>Policies and Procedures for Students who Are Gifted</b>		
<b>Required;</b> Optional	<b>Eligibility for Students who Are Gifted</b>	<b>122-124</b>
N/A	Educational Plans	125-126
<b>Policies and Procedures for Parentally-Placed Private School Students with Disabilities</b>		
N/A	Equitable Services to Parentally-Placed Private School Students	128-133
N/A	McKay Scholarships	134-135
<b>Appendices</b>		
<b>Required</b>	<b>A. General Policies and Procedures</b>	<b>137</b>
Optional	B. Unique Philosophical, Curricular, or Instructional Considerations	138-139
Optional	C. Gifted Plan	140-141

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:**

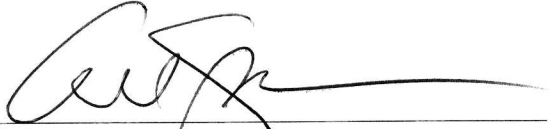
2009-2010 through 2011-2012

**SIGNATURE PAGE**

School District: Palm Beach  
Administrator of Exceptional Student Education:  
This document is effective for the 2009–2010 through 2011–2012 school years.

**CERTIFICATION OF APPROVAL**

I, Arthur C. Johnson, Ph.D, do hereby certify that each of the statements below are true:



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

6/4/09  
Date of Approval

**SPECIAL PROGRAMS AND PROCEDURES**

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

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

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

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

**SCHOOL DISTRICT POLICIES AND PROCEDURES**

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

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



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**Part I**  
**General Policies and Procedures**

**Part I. General Policies and Procedures**

**Section A: Legal Requirements**

**Statutory and Regulatory Citations**

Section 1003.57, Florida Statutes (F.S.)  
Rule 6A-6.03411, Florida Administrative Code (F.A.C.)

**Requirement**

For a school district or agency under contract to the Department of Education (DOE) to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall:

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 DOE

The Individuals with Disabilities Education Act (IDEA), corresponding federal regulations, 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 (ESE) 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., and Rule 6A-6.03411, F.A.C.

**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 serves **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 Private Schools**

When the district school board determines that special education programs offered by the district, a cooperating district school board, or a state agency cannot adequately meet the educational program needs for a student, the district will provide special education services through a contractual arrangement with approved nonpublic schools or community facilities.

1. Each school district may provide special educational programs with approved nonpublic schools or community facilities under one of the following circumstances:
  - a) For the provision of a non-residential interagency program for an exceptional student(s) which includes the provision of educational programming in accordance with the individual educational plan (IEP) developed for each student(s) placed in the program
  - b) For the provision of the educational component of a residential placement for an exceptional student(s) when such a placement is made by another public agency for the primary purpose of addressing residential or other non-educational needs. The student's IEP shall reflect that the placement is not required in order for the student to benefit from special education

The district assures that:

1. Before a contract with a nonpublic school or community facility is considered, the district school board will determine that the school or facility adequately and appropriately meets the following criteria for the specific program to be provided to the student or group of students through the contract (Rule 6A-6.0361, F.A.C.):
  - a) Qualified personnel
  - b) Instructional school day and year
  - c) Sanitation and health certificates and fire inspections
  - d) Confidentiality of student records
  - e) Administration of the provisions of the contract and supervision of the program
  - f) Procedures for admission, dismissal, and separation of students
  - g) Philosophy, curriculum, and methodology of instruction
  - h) Written description of support services
  - i) Written policies
  - j) Office for Civil Rights (OCR) compliance
  - k) Reports filed with the Department of Education
2. The contract will not extend beyond the school fiscal year, and the contents will be in accordance with Rule 6A-6.0361, F.A.C., including the following:
  - a) Staffed by qualified personnel
  - b) Description of the educational program
  - c) Periodic reports on the student's progress
  - d) District personnel to review the program
  - e) Reporting of nonattendance
  - f) Method of determining charges and sharing costs to include the projected total cost to the district
  - g) Identification of financial responsibility
  - h) Method of resolving interagency disputes
  - i) Schedule for review of program

- j) Provision for terminating the contract
  - k) Compliance with applicable Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973
3. The district assures that it is responsible for the following, as required by Rule 6A-6.0361, F.A.C.:
    - a) Selecting an appropriate school or facility in consultation with the parent
    - b) Providing for transportation
    - c) Maintaining a case file including progress reports and periodic evaluations of the student
    - d) Verifying that the student is a resident of the school district and is enrolled in, or has made application for admittance to, a district school educational program
    - e) Providing for the cost of the student's educational program as specified in the contract
    - f) Maintaining documentation of the qualifications of personnel in nonpublic schools or facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity
    - g) 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 IFSP
    - h) 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
    - i) Ensuring that an IEP or IFSP is developed and implemented
    - j) Ensuring involvement in IEP or IFSP team meetings initiated and conducted by the nonpublic school (Rule 6A-6.03028, F.A.C.)
  4. Even if a private school or facility implements a student's IEP or IFSP, responsibility for compliance with federal and state requirements remains with the school district and the state.
  5. The district assures that the student will generate Florida Educational Finance Program (FEFP) funds for the school district in the appropriate cost categories as established in s. 1011.62, Florida Statutes (F.S.), only under the conditions detailed in Rule 6A-6.0361, F.A.C., in regard to:
    - a) Program approval
    - b) Student attendance
    - c) Student's classification
    - d) Student's IEP or IFSP
    - e) Full-time equivalency (FTE) reporting
    - f) Submission of contract to the Bureau of Exceptional Education and Student Services (Bureau) prior to the first report of FTE

### **Limited English Proficient (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) 300.128 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.

**Part I. General Policies and Procedures**

**Section D: Surrogate Parents**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.519  
Section 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 safeguarding a student's rights in the exceptional education decision-making process, when 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, or the student is an unaccompanied homeless youth.

**Procedures**

1. The person qualified as a surrogate parent shall, at a minimum:
  - a) Be a citizen of the United States, a resident of the State of Florida, and above the age of 18
  - b) Not be an employee of any agency involved in the education or care of the student
  - c) Have knowledge and skills acquired by successfully completing training and using training materials developed and approved by the Department of Education (DOE) to ensure adequate representation of the student
  - d) Have no personal or professional interest that conflicts with the interest of the student that the surrogate represents
2. Appointment of surrogate parent
  - a) Surrogate parents for students who are eligible for or who are 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 30 days after the school district determines that the student needs a surrogate parent. Surrogate parents for students who are eligible for or who are suspected of being eligible for special programs made available through a contract from DOE shall be appointed by the individual specified in the contract. 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 listed above.
  - b) The surrogate parent will continue in the appointed role until one of the following circumstances occurs:
    - The student is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
    - The legal guardianship for the student is assigned to a person who is able to carry out the role of the parent
    - The parent, who was previously unknown, becomes known; or the whereabouts of a parent that was previously undiscovered, is discovered
    - The appointed surrogate parent no longer wishes to represent or is unable to represent the student

- The superintendent or DOE contract designee determines that the appointed surrogate parent no longer adequately represents the student
  - The student moves to a geographic location that is not reasonably accessible to the appointed surrogate parent
- c) The appointments and termination of appointments of surrogate parents will be in writing. Terminations initiated by the superintendent or DOE contract designee or a request for termination initiated by the surrogate will list the reasons for such request.
  - d) Either party may request a hearing under Chapter 120, F.S., regarding the termination of a surrogate parent.
  - e) Nothing in this rule shall 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.
3. The person appointed as a surrogate parent:
    - a) Must become acquainted with the student and be knowledgeable about his or her disability and educational needs
    - b) May represent the student in all matters relating to the identification, evaluation, and educational placement of the student and the provision of a free appropriate public education (FAPE) to the student
    - c) Represents the interests and safeguards the rights of the student in educational decisions that affect the student
  4. The responsibilities of a person appointed as a surrogate parent will not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the student.
  5. A person appointed as a surrogate parent will be entitled to all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and 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 student.
  7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the district or DOE contracted program solely because he or she is paid by the district or DOE 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 may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed that meets all of the requirements.



**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

Section 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 is the process 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 information about the student is gathered and reviewed 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 enrolls in a school served by the school district 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:



### 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
- 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
- Used for purposes for which the measures are reliable and valid
- 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 exceptionality, 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.

#### **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 twenty-second 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. 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.
5. Reevaluation is not required for a student before termination of eligibility due to graduation with a regular diploma or exiting school upon reaching the student's twenty-second birthday. The school district will provide the student with a summary of the student's academic achievement and functional performance, which will include recommendations on how to assist the student in meeting the student's postsecondary goals.

**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.



**Part I. General Policies and Procedures**

**Section J: Evaluation Instruments**

**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. The determination of what constitutes a comprehensive evaluation is made by a group of qualified professionals 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 are:
  - a) Selected and administered so as not to be discriminatory on a racial or cultural basis
  - b) 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) Used for the purposes for which the assessments are valid and reliable
  - d) Administered by trained and knowledgeable personnel
  - e) 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, which 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 which extends beyond the school environment for use by the multidisciplinary team in order 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

The process includes:

- a) The process includes:
  - Establishing communication with the parent/guardian which 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 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
  - Identification and use of non-biased 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, 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>Cognitive Assessment System (CAS) 1997</i>	<i>Riverside Publishing</i>	<i>5 to 17.11</i>
<i>Differential Abilities Scales – Second Edition (DAS-II) 2006</i>	<i>Pearson/PsychCorp</i>	<i>2.6 to 17.11</i>
<i>Kaufman Adolescent and Adult Intelligence Test (KAIT) 1993</i>	<i>Pearson</i>	<i>11 to 85+</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 5.11</i>
<i>Wechsler Adult Intelligence Scale – Fourth Edition (WAIS-IV) 2008</i>	<i>Pearson/PsychCorp</i>	<i>16 to 90</i>
<i>Wechsler Intelligence Scale for Children – Fourth Edition (WISC-IV) 2003</i>	<i>Pearson/PsychCorp</i>	<i>6 to 16.11</i>
<i>Wechsler Preschool and Primary Scale of Intelligence, Third Edition (WPPSI-III) 2002</i>	<i>Pearson/PsychCorp</i>	<i>2.6 to 7.3</i>
<i>Woodcock-Johnson III Tests of Cognitive Abilities (WJIII) 2001</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 (C-TONI) 1996</i>	<i>ProEd</i>	<i>6 to 18.11</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/PsychCorp</i>	<i>5.0 to 17.11</i>
<i>Naglieri Nonverbal Ability Test – Second Edition (NNAT -2) 2007</i>	<i>Pearson/PsychCorp</i>	<i>K-12</i>
<i>Ravens Progressive Matrices – Colored (CPM) and Standard (SPM) Progressive Matrices 1998</i>	<i>Pearson/PsychCorp</i>	<i>5 to adult</i>
<i>Test of Nonverbal Intelligence-3 (TONI-3)1997</i>	<i>ProEd</i>	<i>6.0 to 85.11</i>
<i>Universal Nonverbal Intelligence Test (UNIT) 1998</i>	<i>Riverside Publishing</i>	<i>5.0 to 17.11</i>
<i>Wechsler Nonverbal Scale of Ability (WNV) 2006</i>	<i>Pearson/PsychCorp</i>	<i>4.0 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, 2<sup>nd</sup>) 2003</i>	<i>Pearson/PsychCorp</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 (BSID-III) 2005</i>	<i>Pearson/PsychCorp</i>	<i>1 to 42 months</i>
<i>Bracken Basic Concept Scale – Third Edition: Expressive (BBCS-3:E) 2006</i>	<i>Pearson/PsychCorp</i>	<i>3 to 6.11</i>
<i>Bracken Basic Concept Scale – Third Edition: Receptive (BBCS-3:R) 2006</i>	<i>Pearson/PsychCorp</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 Profile 3 (DP-3) 2007</i>	<i>Western Psychological Services</i>	<i>birth to 12.11</i>
<i>Kaufman Survey of Early Academic and Language Skills (K-SEALS) 1993</i>	<i>Pearson</i>	<i>3.0 to 6.11</i>
<i>Mullen Scales of Early Learning 1995</i>	<i>Pearson</i>	<i>birth to 68 months</i>
<i>Peabody Developmental Motor Scale, Second Edition (PDMS-2) 2000</i>	<i>ProEd</i>	<i>birth to 6.11</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>	PAR	5 to 18
<i>Bender Visual-Motor Gestalt Test, Second Edition (Bender-Gestalt II) 2003</i>	Riverside Publishing	4 to 85
<i>BOT-2: Bruininks-Oseretsky Test of Motor Proficiency, 2<sup>nd</sup> Edition</i>	Pearson	4 to 21
<i>Children's Memory Scale (CMS) 1997</i>	Pearson/PsychCorp	5 to 16
<i>Dean-Woodcock Neuropsychological Battery (DW) 2003</i>	Riverside Publishing	4 to adult
<i>Delis-Kaplan Executive Function System (D-FES) 2001</i>	Pearson/PsychCorp	8 to 89
<i>Developmental Test of Visual-Motor Integration, 5<sup>th</sup> Edition (VMI-5) 2003</i>	Pearson	2 to 18
<i>NEPSY: A Developmental Neuropsychological Assessment 1997</i>	Pearson/PsychCorp	3 to 12
<i>Scales of Cognitive Ability for Traumatic Brain Injury (SCATBI) 1993</i>	ProEd	3 to 9.0
<i>Test of Auditory-Processing Skills – 3<sup>rd</sup> Edition (TAPS-3)</i>	ProEd	4 to 13
<i>Test of Visual-Perceptual Skills – 3<sup>rd</sup> Edition (TVPS-3)</i>	Academic Therapy Publications	4 to 13
<i>Wide Range Assessment of Memory &amp; Learning, 2<sup>nd</sup> Edition (WRAML2) 2003</i>	PAR	5 to 90
<i>Wide Range Assessment of Visual Motor Ability (WRAVMA)</i>	PAR	3 to 17.11

## GENERAL ACHIEVEMENT

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Basic Achievement Skills Inventory (BASI)</i>	<i>Pearson</i>	<i>8 to 80</i>
<i>Brigance Comprehensive Inventory of Basic Skills – Revised (CIBS-R)</i>	<i>Curriculum Associates</i>	<i>PreK - 9</i>
<i>Diagnostic Achievement Battery – Third Edition (DAB-3) 2001</i>	<i>ProEd</i>	<i>6 to 14.11</i>
<i>Kaufman Test of Educational Achievement, Second Edition (KTEA-II) 2004</i>	<i>Pearson</i>	<i>4.6 to 90</i>
<i>Wechsler Individual Achievement Test - Second Edition (WIAT-II) 2001</i>	<i>Pearson/PsychCorp</i>	<i>4 to 85</i>
<i>Wechsler Fundamentals: Academic Skills 2008</i>	<i>Pearson/PsychCorp</i>	<i>K-12</i>
<i>Wide Range Achievement Test 4 (WRAT4) 2006</i>	<i>PAR</i>	<i>5 to 94</i>
<i>Woodcock – Johnson III Tests of Achievement (WJ-III) 2001</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/PsychCorp</i>	<i>PreK - 3</i>
<i>Key Math – 3: Diagnostic Assessment 2007</i>	<i>Pearson</i>	<i>4.6 to 21.11</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>5.0 to 24.11</i>
<i>Dynamic Indicators of Basic Early Literacy Skills (DIBELS)</i>	<i>University of Oregon FCRR</i>	<i>K - 6</i>
<i>Early Reading Diagnostic Assessment, Second Edition (ERDA) 2003</i>	<i>Pearson/PsychCorp</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>6.0 to 18.11</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>7.0 to 17.11</i>
<i>Test of Word Reading Efficiency (TOWRE) 1999</i>	<i>ProEd</i>	<i>6.0 to 24.11</i>
<i>The Phonological Awareness Test, Second Edition 2007</i>	<i>LinguiSystems</i>	<i>5 to 10 +</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 – Revised (WRMT-R/NU) 1998</i>	<i>Pearson</i>	<i>5 to adult</i>
<b>LANGUAGE/ORAL LANGUAGE</b>		
<i>Clinical Evaluation of Language Fundamentals, 4<sup>th</sup> Edition (CELF-4) 2006</i>	<i>Pearson/Psych Corp</i>	<i>5.0 to 21.11</i>
<i>Comprehensive Assessment of Spoken Language (CASL) 1999</i>	<i>Pearson</i>	<i>3 to 21</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, 2<sup>nd</sup> Edition (CREVT-2) 2002</i>	<i>ProEd</i>	<i>4 to 89</i>
<i>Expressive Language Test (ELT) 1998</i>	<i>LinguiSystems</i>	<i>5 to 11</i>
<i>Expressive One-Word Picture Vocabulary Test (EOWPVT-R) 2000</i>	<i>Pearson</i>	<i>2.0 to 18.11</i>
<i>Expressive Vocabulary Test, 2<sup>nd</sup> Edition (EVT-II) 2006</i>	<i>Pearson</i>	<i>2.6 to 90</i>
<i>Language Processing Test, 3<sup>rd</sup> Edition: Elementary (LPT-3:Elementary) 2005</i>	<i>LinguiSystems</i>	<i>5 to 11</i>
<i>Oral and Written Language Scales (OWLS) 1996</i>	<i>Pearson</i>	<i>3.0 to 21.11</i>
<i>Peabody Picture Vocabulary Test – Fourth Edition (PPVT-IV) 2006</i>	<i>Pearson</i>	<i>2.6 to 90</i>
<i>Preschool Language Scale, 4<sup>th</sup> Edition (PLS-4) 2002</i>	<i>Pearson/PsychCorp</i>	<i>birth to 6.11</i>
<i>Receptive One Word Picture Vocabulary Test (ROWPVT) 2000</i>	<i>Pearson</i>	<i>2 to 18.11</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 Auditory Comprehension of Language – Third Edition (TACL-3) 1999</i>	<i>Pearson</i>	<i>3.0 to 9.11</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>8.0 to 17.11</i>
<i>Test of Language Development – Primary, Fourth Edition (TOLD-P:4) 2008</i>	<i>ProEd</i>	<i>4 to 8.11</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>Test of Word Finding, Second Edition (TWF-2) 2000</i>	<i>Pearson</i>	<i>6.6 to 12.11</i>
<i>Token Test for Children, 2<sup>nd</sup> Edition (TTFC-2) 2007</i>	<i>ProEd</i>	<i>3.0 to 12.11</i>
<i>Utah Test of Language Development – Fourth Edition (UTLD-4)</i>	<i>ProEd</i>	<i>3.0 to 9.11</i>
<i>Woodcock Language Proficiency Battery – Revised, (WLPB-R) 1991</i>	<i>Riverside Publishing</i>	<i>2 to adult</i>
<i>Word Test – 2: Elementary 2004</i>	<i>ProEd</i>	<i>6.0 to 11.11</i>
<i>Word Test – 2: Adolescent 2005</i>	<i>ProEd</i>	<i>12.0 and up</i>
<i>Diagnostic Evaluation of Language Variation (DELV) Screening Test 2003, Criterion-Referenced Test 2003, or Norm-Referenced Test 2005</i>	<i>Pearson/ PsychCorp</i>	<i>4-9 years</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 Early Written Language – Second Edition (TEWL-2) 1996</i>	<i>ProEd</i>	<i>3 to 10.11</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)</i>	<i>ProEd/ Pearson</i>	<i>Grades 1-12</i>
<i>Spelling Performance Evaluation for Language &amp; Literacy- Second Edition (SPELL-2)</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>	ASEBA	1.5 to 59
<i>Beck Youth Inventories – 2<sup>nd</sup> Edition (BYI-II) 2005</i>	Pearson/PsychCorp	7 to 18.11
<i>Behavior Assessment System for Children, Second Edition (BASC-II) 2004</i>	Pearson	4 to 18
<i>Behavior Rating Profile – 2 (BRP-2)</i>	ProEd	6.6 to 18.6
<i>Conners Third Edition (Conners 3) 2008</i>	MHS	6 to 17.11
<i>Conners Comprehensive Behavior Rating Scales (Conners CBRS) 2008</i>	MHS	6 to 17.11
<i>Clinical Assessment of Behavior (CAB) 2004</i>	PAR	5 to 18
<i>Devereaux Scales of Mental Disorders (DSMD) 1994</i>	Pearson/PsychCorp	5 to 18
<i>Emotional Disturbance Decision Tree (EDDT) 2007</i>	PAR	5 to 18
<i>School Social Behavior Scales Second Edition (SSBS-2) 2002</i>	Paul Brookes	5 to 18
<i>Social Skills Improvement System (SSIS) 2008</i>	Pearson/PsychCorp	PreK - 12

**ARTICULATION, VOICE, AND FLUENCY**

<b>Evaluation Instrument</b>	<b>Publisher</b>	<b>Ages/Grades</b>
<i>Arizona Articulation Proficiency Scale, 3<sup>rd</sup> Edition (Arizona-3) 1999</i>	<i>ProEd</i>	<i>1.5 to 18.0 years</i>
<i>Clinical Assessment of Articulation and Phonology (CAAP) 2004</i>	<i>ProEd</i>	<i>2.6 to 8.11 years</i>
<i>Goldman – Fristoe Test of Articulation-2 (G-FTA-2) 2000</i>	<i>ProEd</i>	<i>2 to 21 years</i>
<i>Kahn-Lewis Phonological Analysis, 2<sup>nd</sup> Edition (KLPA-2) 2002</i>	<i>Pearson</i>	<i>2 to 21 years</i>
<i>Photo-Articulation Test, 3<sup>rd</sup> Edition (PAT-3) 1997</i>	<i>Pearson</i>	<i>3 to 8 years</i>
<i>*Boone Voice Program for Children, 2<sup>nd</sup> Edition 1980</i>	<i>ProEd</i>	<i>3 to 14 years</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 years</i>
<i>Stuttering Severity Instrument for Children and Adults, 3<sup>rd</sup> Edition (SSI-3) 1994</i>	<i>ProEd</i>	<i>2.10 years 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>AUTISM SPECTRUM DISORDERS (ASD)</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>CARS: Childhood Autism Rating Scale (CARS) 1999</i>	<i>Western Psychological Services</i>	<i>2 to adult</i>
<i>GADS: Gilliam Asperger’s Disorder Scale (GADS) 2000</i>	<i>ProEd</i>	<i>3 to 22</i>
<i>GARS-2: Gilliam Autism Rating Scale, Second Edition (GARS-2) 1995</i>	<i>ProEd</i>	<i>3 to 22</i>
<i>PEP–3: 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/PsychCorp</i>	<i>18 months to 48 months</i>
<i>Social Responsiveness Scale (SRS)</i>	<i>Western Psychological Services</i>	<i>4 to 18</i>
<b>GIFTED</b>		
<i>Gifted and Talented Evaluation Scales (GATES)</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/PsychCorp</i>	<i>4 to 13.11</i>
<i>Scales for Rating the Behavioral Characteristics of Superior Students (SRBCSS)</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>ESP: Early Speech Perception</i>	<i>Central Institute for the Deaf</i>	<i>2 to 8</i>
<i>Grammatical Analysis of Elicited Language</i> - <i>Pre-Sentence Level (GAEL-PS) 1983</i> - <i>Simple Sentence Level (GAEL-S) 1985</i> - <i>Complex Sentence Level (GAEL-C) 1980</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</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: G Edition 1978</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.)**

Evaluation Instrument	Publisher	Ages/Grades
<b>VISION (cont.)</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 and Learning Media Assessment</i>	<i>American Printing House for the Blind</i>	<i>all</i>
<i>Individualized Systematic Assessment of Visual Efficiency (ISAVE)</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>McDowell Vision Screening Kit</i>	<i>Western Psychological Services</i>	<i>2 1/2 to 5 1/2</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)</i>	<i>Southern Oregon Education Service District, Medford, Oregon</i>	<i>grades PreK to 2</i>
<i>Program to Develop Efficiency in Visual Functioning: Diagnostic Assessment Procedure (DAP) 1978</i>	<i>American Printing House for the Blind</i>	<i>all</i>
<i>Sensory Learning Kit</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, 2<sup>nd</sup>) 2003</i>	<i>Pearson/PsychCorp</i>	<i>5 to 21</i>
<i>Assessment of Basic Skills – Revised (ABS-R) (Brigance CIBS-R Spanish Edition)</i>	<i>Curriculum Associates</i>	<i>K to 8</i>
<i>Behavior Assessment System for Children (BASC-2) 2003 PRS, SRP, SDH</i>	<i>Pearson</i>	<i>2.0 to 21.11</i>
<i>Bateria III Woodcock-Muñoz 2005</i>	<i>Riverside Publishing</i>	<i>2.0 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>5.0 to adult</i>
<i>Bracken Basic Concept Scale Third Edition (BBCS-E:R) and Bracken Basic Concept Scale: Receptive (BBCS:E) 2002</i>	<i>Pearson/PsychCorp</i>	<i>3.0 to 6.11</i>
<i>Bracken School Readiness Assessment (BSRA) 2002</i>	<i>Pearson/PsychCorp</i>	<i>2.6 to 7.11</i>
<i>Clinical Evaluation of Language Fundamentals (CELF-4 Spanish) 2006</i>	<i>Pearson/PsychCorp</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/PsychCorp</i>	<i>18 months to 48 months</i>
<i>Preschool Language Scale, Spanish Edition (PLS-4) 2002</i>	<i>Pearson/PsychCorp</i>	<i>birth to 6.11</i>
<i>Test de Vocabulario en Imagenes Peabody (TVIP) 1990</i>	<i>Pearson</i>	<i>2.6 to 17.11</i>
<i>Test of Phonological Awareness in Spanish (TPAS)</i>	<i>ProEd</i>	<i>4.0 to 10.11</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/PsychCorp</i>	<i>6.0 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 – Revised (WMLS-R) 2005</i>	<i>Riverside Publishing</i>	<i>2.0 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 syndrome, or other related pervasive developmental disorders.

**Eligibility Criteria**

A student is eligible for specially designed instruction and related services as a student with autism spectrum disorder if the following criteria are met:

1. Uneven developmental profile as evidenced by inconsistencies in the development of language, social interaction, adaptive behavior, and/or cognitive skills. These inconsistencies can be evidenced across or within these developmental domains.
2. Impairment in social interaction as evidenced by the delayed, absent, or atypical ability to relate to people or the environment. These may include one or more of the following behavioral indicators, such as: limited joint attention and limited use of facial expressions directed toward others; lack of showing or bringing things to others to indicate an interest in the activity; difficulties in relating to people, objects, and events; a gross impairment in ability to make and keep friends; significant vulnerability and safety issues due to social naiveté; preference for isolated or solitary activities; misinterpretation of others' behaviors and social cues.
3. Impairment in verbal and/or nonverbal language or social communication skills as evidenced by one or more behavioral indicators, such as: lack of spontaneous imitations or lack of varied imaginative play; absence or delay of spoken language; limited understanding and use of nonverbal communication skills, such as gestures, facial expressions, or voice tone; odd production of speech, including intonation, volume, rhythm, or rate; repetitive or idiosyncratic language or inability to initiate or maintain a conversation when speech is present; lack of using a finger to point or request.
4. Restrictive repetitive and/or stereotyped patterns of behavior, interests, or activities as evidenced by one or more behavioral indicators, such as: insistence on following rules or rituals; demonstration of distress or resistance to changes in activity; repetitive hand or body mannerisms; lack of true imaginative play versus reenactment; over-reaction or under-reaction to sensory stimuli; rigid or rule-bound thinking; encompassing preoccupation with one or more stereotyped or restricted patterns of interest that are abnormal either in intensity or focus.
5. The student demonstrates a need for special education.

**Student Evaluation**

1. The minimum student evaluations shall include all of 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. 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
2. Medical information provided shall be considered.

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

1. While students with autism spectrum disorder 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. Policies and Procedures for Students with Disabilities**

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

**Statutory and Regulatory Citations**

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

**Definition**

Deafness means a hearing impairment that is so severe that a student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects the student's educational performance. A hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance but that is not included under the definition of deafness.

**Eligibility Criteria**

A student is eligible for specially designed instruction 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 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**

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication. The minimum evaluations necessary for determining eligibility shall include all of the following components:

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. Individual assessment of intellectual functioning, including comprehensive nonverbal or developmental scales if more appropriate for students under age six

## **Student Reevaluation**

A reevaluation shall occur at least every three years and shall include at a minimum an audiological evaluation.

## **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.

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.



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

**Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children with Developmental Delay**

**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 motor development, including fine, gross, or perceptual motor development.

**Eligibility Criteria**

1. For a child three through five years of age

A child is eligible for the special program for children who are developmentally delayed 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**

1. For a child three through five years of age
  - 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. 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) 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. Policies and Procedures for Students with Disabilities**

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

**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**

A dual-sensory impairment means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness, or a degenerative condition that will lead to such an impairment. A dual-sensory impairment causes a serious impairment in the student's abilities to acquire information, communicate, or function within the environment.

**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 decibel (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 that includes possible impediments to visual use
  - c) An audiological exam
  - d) Documented observation of auditory functioning
  - e) An assessment of speech and language functioning that includes a differential diagnosis of the student's linguistic abilities and of modality strengths and preferences
  - 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 a minimum of the evaluations required in Rule 6A-6.03022, F.A.C., and 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 individual educational plan (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, 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 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.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 five 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
    - The presence of symptoms, such as fears, phobias, or excessive worrying and anxiety, regarding personal or school problems
    - 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
  - b) External factors characterized by:
    - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting
    - Behaviors that are chronic and disruptive, such as noncompliance, verbal and/or physical aggression, and/or poorly developed social skills, and are manifestations of feelings, symptoms, or behaviors as specified above, in section 1.a above.
2. The characteristics as described in 1.a and/or b 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 be school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, activities prior to referral for evaluation and the criteria for eligibility 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.



## **Student Evaluation**

1. The minimum evaluation shall include the following:
  - a) A review of the functional behavioral assessment (FBA) previously completed to assist in the development of individual interventions. The FBA should identify the conditions under which the behavior is most and least likely to occur, identify the functions of the student's behavior, and document the student's response to implemented interventions. It may be necessary to revise the FBA as part of the evaluation. If a formal functional behavioral assessment has not been completed, one must be completed as part of the evaluation.
  - b) A psychological evaluation conducted in accordance with Rule 6A-6.0031, 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 evidence-based interventions that have already been implemented and the criteria used to evaluate their success.
  - c) 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.
  - d) 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.
2. 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.

## **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.
3. When students with emotional/behavioral disabilities receive services for the full school week in a comprehensive public school or center school setting, the results of prior interventions and progress monitoring data support the need for: a lower adult-to-pupil ratio than offered in other exceptional student education (ESE) delivery models; a highly structured academic and affective curriculum; extensive support services that shall include individual or group counseling, and parent education and support; and, when appropriate, consultation from mental health, medical, or other professionals. The IEP team must determine that services cannot be provided in a less restrictive environment.

**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.



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

**Section B.9: Exceptional Student Education Eligibility for Students who are Physically Impaired with Orthopedic 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-6.030151, 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., 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 Florida physician(s) (i.e., licensed in accordance with Chapter 458 or 459, F.S.) who is qualified to assess the student's orthopedic impairment. 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 who are physically impaired with orthopedic 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.10: Exceptional Student Education Eligibility for Students who are Physically Impaired 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 impaired 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 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**

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., 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 Florida physician(s) (i.e., licensed in accordance with Chapter 458 or 459, F.S.) who is qualified to assess the student's health impairment. The physician's report must provide a description of the impairment and any medical implications for instruction.
  - b) An educational evaluation that identifies educational and environmental needs.

**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 physically impaired 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.

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

**Section B.11: Exceptional Student Education Eligibility for Students who are Physically Impaired with Traumatic Brain Injury**

**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., the minimum student evaluations shall include the following:
  - a) A report of a medical examination, within the previous 12-month period, from a Florida physician(s) (i.e., licensed in accordance with Chapter 458 or 459, F.S.) who is qualified to assess the student's traumatic brain injury. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction; and
  - 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; and
  - 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 who are physically impaired 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**

\_\_\_\_\_ **A.** In **all** 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.** In **some** schools, until July 11, 2010, the district will use 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 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 83-84).



**If option B was selected on page 81, the district must complete pages 83-84.**

**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 11, 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: Exceptional Student Education Eligibility for Students with Speech and 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-6.03012, Florida Administrative Code (F.A.C.)

**Definitions**

1. Speech and language impairments are defined as disorders of language, articulation, fluency, or voice that interfere with communication, pre-academic or academic learning, vocational training, or social adjustment.
2. An impairment in the language system is an abnormal processing or production of:
  - b. Form, including phonology, syntax, and morphology;
  - c. Content, including semantics; or
  - d. Function, including pragmatics.
3. An impairment in articulation is the substitution, distortion, or omission of speech sounds that are of a nonmaturational nature.
4. An impairment in fluency is the abnormal flow of speech that impairs rate and rhythm and may be accompanied by struggle behavior.
5. An impairment in voice is the absence or abnormal production of voice quality, pitch, loudness, resonance, or duration.

**Eligibility Criteria**

A student is eligible for specially designed instruction and related services as a student with a speech or language impairment if the student meets the criteria for one or more of the following disorders:

1. A language disorder is present when:
  - a) For students below age five, there is a significant language delay based on criteria presented in the test or evaluation manual and at least one of the following is met:
    - There is a significant difference between language performance and other developmental behaviors; or
    - There is a significant difference between receptive and expressive language abilities
  - b) For students ages five and above, the language scores on standardized tests are more than one standard deviation below the mean for the student's chronological age and at least one of the following is met:
    - There is a significant difference (as specified in test manual) between language performance and nonverbal performance; or
    - There is a significant difference (as specified in test manual) between receptive and expressive language scores; or
    - Two or more, but not all, components of the language system are rated moderately or severely impaired on a language severity rating scale.

2. An articulation disorder is present when at least one of the following is met:
  - a) Based on normative data, the frequency of incorrect sound production and the delay of correct sound production are significant; or
  - b) The error pattern is characteristic of disordered rather than delayed acquisition; or
  - c) Articulation is rated as moderately or severely impaired on an articulation severity rating scale.
3. A fluency disorder is present when:
  - a) Fluency is rated as mildly, moderately, or severely impaired on a fluency severity rating scale; and
  - b) There are supportive data presented by a primary caregiver, a teacher-educator, or the student, when appropriate, in addition to a speech-language pathologist, that a disorder exists.
4. A voice disorder is present when:
  - a) Voice is rated as moderately or severely impaired on a voice severity rating scale; and
  - b) There are supportive data presented by a primary caregiver, a teacher-educator, or the student, when appropriate, in addition to a speech-language pathologist, that a disorder exists.
5. Additional eligibility criteria  
Children below age three who meet other program eligibility as stated in Rules 6A-6.03031 and 6A-6.03030, F.A.C., may receive speech/language services.
6. A speech-language pathologist shall be a member of any eligibility staffing committee reviewing speech and language evaluation data.

### **Screening**

1. Students being considered for language or speech programs shall be screened for hearing and vision.
2. Students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall be screened for language, articulation, fluency, and voice disorders prior to staffing for eligibility.

### **Student Evaluation**

Minimum student evaluations are:

1. Speech-language pathologists shall be responsible for implementing and conducting diagnostic assessments of language, articulation, fluency, or voice disorders.
2. A case history shall be included as part of the assessment data when determined appropriate by the speech-language pathologist.
3. Medical and psychological evaluations shall be requested by the speech-language pathologist when appropriate.

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

A speech-language pathologist shall be involved in the development of the individual educational plans for eligible students with speech and language impairments.

**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 and language 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.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, and 1003.57, Florida Statutes (F.S.)  
Rule 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 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 parent's 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. If a purpose of the IEP team meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching the postsecondary goals, the district invites a representative of any participating agency that may be responsible for providing or paying for transition services. Parental consent or the consent of a student who has reached the age of majority must be obtained before inviting agency representatives and 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 a) 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, is 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 needs 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 a FAPE.

- k) At least annually, whether extended school year (ESY) services are necessary for the provision of a 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 a 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 an alternate assessment 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 alternate assessment 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) In order to ensure transition planning and services, IEP teams shall begin the process of identifying transition services needs of students beginning no later than age 14, so that needed postsecondary goals may be identified and in place by age 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
    - The consideration of 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 the IEP team meeting and self-advocate, if appropriate.
  - m) 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 must 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.
  - n) 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 nondisabled students.
  - 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.
  - 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 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 nondisabled peers to the maximum extent appropriate. 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 the 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 will 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 will 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. 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, will be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to nondisabled students 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.

### 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 will 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.**

<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 E: Discipline**

#### **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 ten 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

An interim alternative educational setting (IAES) 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, is appropriate for a student with a disability who violates the Code of Student Conduct.

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 may:

- a) Remove a student with a disability who violates a code of student conduct from the student's current placement for not more than ten consecutive school days
- b) Further remove a student with a disability for not more than ten 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.

3. Manifestation determination

A manifestation determination, consistent with the following requirements, will be made within ten 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
  - 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 a 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.
4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
  5. FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    - a) A school district is not required to provide services to a student with a disability during removals totaling ten 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 ten school days in the school year, if the current removal is not more than ten 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.
  6. Special circumstances and interim alternative educational settings (IAES)
    - 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 which 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.

#### 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.
- By 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 ten 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.

#### 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

13. Disciplinary records of students with disabilities

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

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

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

**Section F: Participation in State and District Assessments**

**Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) § 300.320  
Sections 1003.43, 1003.433, 1003.428, 1008.22, 1008.25, and 1011.62(9), Florida Statutes (F.S.)  
Rules 6A-1.0943 and 6A-6.03028, 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 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, or, for students eligible under Section 504 of the Rehabilitation Act, if documented on the 504 plan.
- b) Accommodations identified for testing situations are those identified in the test manual and previously 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 accommodations are included in the test administration manual, which is updated with each test administration. Test administration manuals may be accessed via the Web at <http://www.ctb.com/FCAT>. Additional FCAT information is available at <http://fcat.fldoe.org>.

4. Additional diagnostic assessments

For each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who scores below Level 3 in reading or math, the school district must provide additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction. A progress monitoring plan must be developed in consultation with the student's parent and implemented through the IEP. Upon subsequent evaluation, if the documented deficiency has not been remediated, the student may be retained.

5. Remediation

- a) For each year in which a student scores at Level 1 on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(9).

- b) For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in Course Code Directory.
- c) Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

### **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

In order for the FCAT graduation requirement to be waived, the IEP team must meet to determine whether or not the FCAT can accurately measure the student's abilities, taking into consideration 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.
  - Have an individual educational plan (IEP)
  - Have demonstrated proficiency in the core content knowledge and skills needed for a standard high school diploma
  - Have taken the Grade 10 FCAT with appropriate, allowable accommodations at least twice (once in grade 10 and once in grade 11)
  - Be progressing toward meeting the state's 24 credit/course and 2.0 cumulative grade point average (GPA) requirements and any other district requirements for graduation with a standard diploma
- b) Additionally, to ensure that each student has had every opportunity to pass the FCAT, participation in FCAT during March of the senior year is recommended.
- c) Under s. 1003.433(1), F.S., a student who transfers from another state in 12<sup>th</sup> grade 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 in order to earn a standard diploma. A transfer student may be considered for the waiver.

### **Florida Alternate Assessment 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 Florida Alternate Assessment. Aligned to the State standards, the Florida Alternate Assessment measures student academic performance on the State standards Access Points.

2. Eligibility requirements

Determination of eligibility to participate in the Florida Alternate Assessment is made by the student's IEP team and recorded on the IEP based upon the following criteria:

- a) The student is unable to master the State standards even with appropriate and allowable course accommodations.

- b) The student's demonstrated cognitive ability is the primary reason for the inability to master these standards.
- c) The student is participating in a modified curriculum based on competencies in the State standards Access Points for all academic areas.
- d) The student requires extensive direct instruction in academic and vocational competencies as well as domestic, community living, and leisure activities.
- e) The student has deficits in adaptive behavior, as demonstrated by the inability to function effectively and independently in everyday living skills (interpersonal and social interactions) across a variety of 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 Florida Alternate Assessment, the IEP should contain a statement of why the FCAT is not appropriate and why the Florida Alternate Assessment is appropriate. It should also indicate that notification was made to the parent and that implications of the student's nonparticipation in the general statewide assessment were provided.

4. Administration of the Florida Alternate Assessment

The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator should be a certified teacher or other licensed professional who has worked extensively with the student and is trained in the assessment procedures.

**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:

<u>Districtwide Assessment</u>	<u>Corresponding Alternate Assessment</u>

**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.

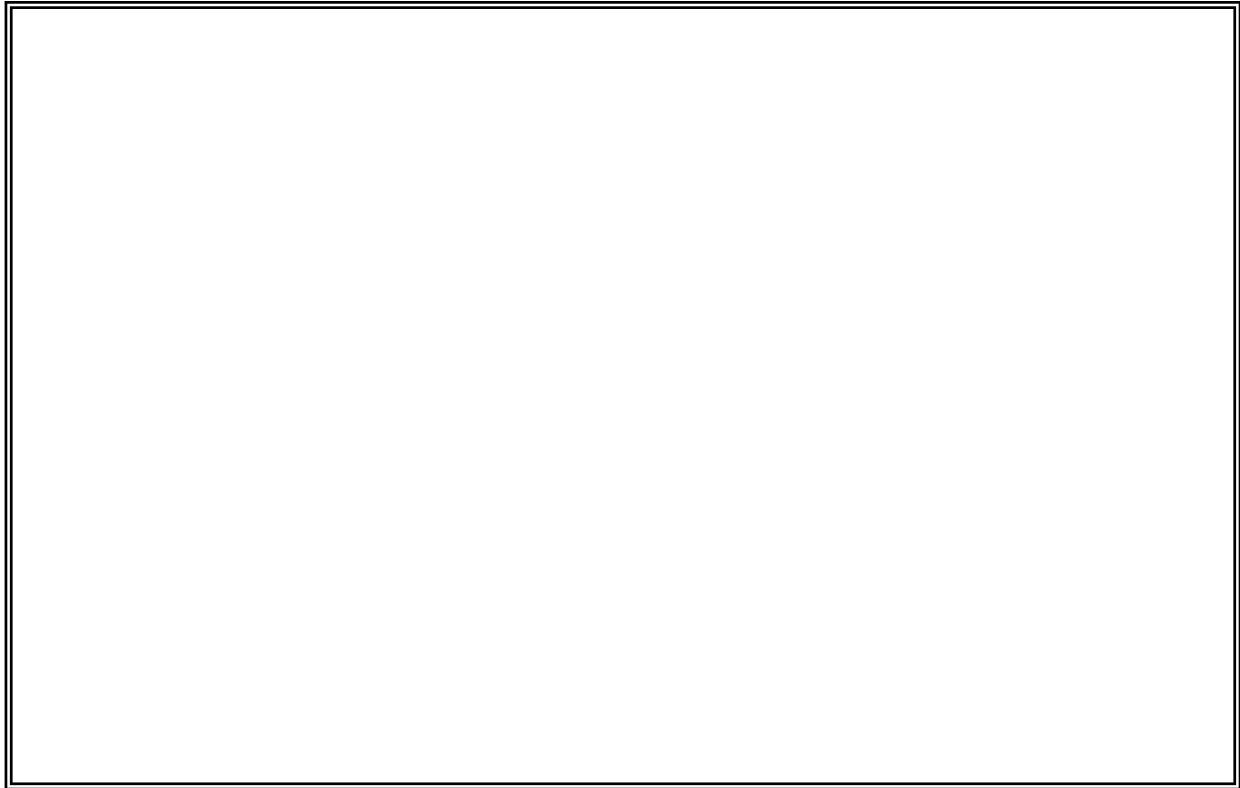
**Providing an IEP or IFSP**

- 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.**

\_\_\_\_\_ 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>
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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**

Section 1002.39, 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) 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 public school student with a disability who is dissatisfied with the student's progress 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 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.
  - b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested from the department a scholarship 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 (DOE) in a manner that creates a written or electronic record of the request and the date of receipt of the request. DOE 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. Upon reasonable notice to the Department of Education (DOE) and the school district, the student's parent may remove the student from the private school and place the student in a public school.
4. Upon reasonable notice to DOE, 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 ten days of an IEP team meeting
3. Informing parents of the availability of the Information Hotline and School Choice Web site
4. Keeping all district contact information up-to-date with the Department of Education, which can be done through the [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) Web site when logged in as a district administrator
5. Submitting an annual Parental Notification Verification Form to DOE in the spring of each school year
6. Notifying parents, within ten 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 payments
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 DOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program
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 students' 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*, located in this **Appendix**.

\_\_\_\_\_ 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*, located in this **Appendix**.

\_\_\_\_\_ 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

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

**Appendix A.1.**

1. Notice of Procedural Safeguards for Parents of Students with Disabilities

**Part B**  
**Notice of Procedural Safeguards for Parents of Students with Disabilities**

As a parent, you are entitled to information about your rights under the Individuals with Disabilities Education Act (IDEA). These rights, or *procedural safeguards*, are intended to ensure that you have the opportunity to be a partner in the educational decisions made regarding your child.

This notice of your procedural safeguards will be made available to you, at least one time a school year, except that a copy also must be given to you:

- Upon initial referral or your request for an evaluation
- In accordance with the discipline procedures when a change in placement occurs
- Upon receipt of the first State complaint in a school year
- Upon the receipt of the first request for a due process hearing in a school year
- Upon your request to receive a copy

You may elect to receive a copy of your procedural safeguards and required notices by e-mail if the school district makes that option available. A district may also place a current copy of the procedural safeguards notice on its Internet Web site.

This pamphlet helps parents of children in Florida understand the rights that go along with programs for students with disabilities. It includes a description of the procedural safeguards that apply to students with disabilities enrolled in public schools and those that apply to students with disabilities enrolled by their parents in nonprofit private schools.

Parents who have issues with the district regarding their student’s exceptional student education may be able to resolve those issues informally at the local level. However, administrative remedies (mediation, state complaint, and due process hearing request) are also available.

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Under the IDEA, you have the following rights:

**GENERAL INFORMATION**

**PRIOR WRITTEN NOTICE**

**34 CFR §300.503**

**Notice**

Your school district must give you notice in writing whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child; **or**
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child.

**Content of notice**

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a copy of a description of the procedural safeguards if the

- action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
  7. Describe any other choices that your child's individual educational plan (IEP) Team considered and the reasons why those choices were rejected; **and**
  8. Provide a description of other reasons why your school district proposed or refused the action.

**Notice in understandable language**

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

**NATIVE LANGUAGE**

**34 CFR §300.29**

*Native language*, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a student, the language normally used by the student's parents;
2. In all direct contact with a student (including evaluation of the student), the language normally used by the student in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, braille, or oral communication).

**ELECTRONIC MAIL**

**34 CFR §300.505**

If your school district offers parents the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; **and/or**
3. Notices related to a due process hearing request.

**PARENTAL CONSENT – DEFINITION**

**34 CFR §300.9**

**Consent**

*Consent* means:

1. You have been fully informed in your native language or other mode of communication (such as sign language, braille, or oral communication) of all information about the action for which you are giving consent;
2. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; **and**
3. You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

**PARENTAL CONSENT**

**34 CFR §300.300**

**Consent for initial evaluation**

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading *Parental Consent*.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability. Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school, or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by using mediation or due process procedures. Your school district will not violate its obligations to locate, identify, and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

**Special rules for initial evaluation of wards of the State**

If a child is a ward of the State and is not living with his/her parent —

The school district does not need consent from the parent for an initial evaluation to determine if the student is a student with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the student's parent;
2. The rights of the parents have been terminated in accordance with State law; **or**
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

*Ward of the State*, as used in the IDEA, means a student who, as determined by the State where the student lives, is:

1. A foster child;
2. Considered a ward of the State under State law; **or**
3. In the custody of a public child welfare agency.

*Ward of the State* does not include a foster child who has a foster parent who meets the State definition of a parent.

#### **Parental consent for services**

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a FAPE available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an IEP Team meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

#### **Parental consent for reevaluations**

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; **and**
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the consent override provision of mediation or due process. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

#### **Documentation of reasonable efforts to obtain parental consent**

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluation, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to the parents and any responses received; **and**
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

#### **Other consent requirements**

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; **or**
2. Give your child a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from all parents of all students.

**NOTE: In Florida, 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. Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.**

If you have enrolled your child in a private school at your own expense, or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures of mediation and due process and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school students with disabilities).



## **INDEPENDENT EDUCATIONAL EVALUATIONS**

### **34 CFR §300.502**

#### **General**

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the school district's criteria that apply to IEEs.

#### **Definitions**

*Independent educational evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

*Public expense* means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you.

#### **Parent right to evaluation at public expense**

You have the right to an IEE of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an IEE of your child at public expense, your school district must, without unnecessary delay, either: (a) Provide an IEE at public expense, or (b) File a due process hearing request to show that its evaluation of your child is appropriate; unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district's criteria.
2. If your school district requests a hearing and the final decision is that your school district's evaluation of your child is appropriate, you still have the right to an IEE, but not at public expense.
3. If you request an IEE of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the IEE of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district's evaluation of your child.

You are entitled to only one IEE of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

#### **Parent-initiated evaluations**

If you obtain an IEE of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district's criteria for IEEs, in any decision made with respect to the provision of a FAPE to your child; **and**
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

#### **Requests for evaluations by hearing officers**

If a hearing officer requests an IEE of your child as part of a due process hearing, the cost of the evaluation must be at public expense.

#### **School district criteria**

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation). Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an IEE at public expense.

## **REVOCATION OF PARENTAL CONSENT**

### **GENERAL INFORMATION**

#### **34 CFR §300.300(b)(4)**

If, at any time subsequent to the initial provision of special education and related services, the parent of a student revokes consent in writing for the continued provision of special education and related services, the school district may not continue to provide special education and related services to the student, but must provide prior written notice before ceasing the provision of special education and related services. The school district may not use mediation or due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the student.

If you revoke your consent for the continued provision of special education and related services to your child, your school district:

1. Will not be considered to be in violation of the requirement to make a FAPE available to your child for its failure to provide the student with further special education and related services to your child; **and**
2. Is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

If you revoke consent in writing for your child's receipt of special education services after the child is initially provided special education and related services, the school district is not required to amend your child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

## **CONFIDENTIALITY OF INFORMATION**

### **DEFINITIONS**

#### **34 CFR §300.611**

As used under the heading *Confidentiality of Information*:

*Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

*Education records* means the type of records covered under the definition of "education records" in 34 CFR Part 99, the regulations implementing the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. 1232g.

*Participating agency* means any school district, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

### **PERSONALLY IDENTIFIABLE**

#### **34 CFR §300.32**

*Personally identifiable* means information that has:

- (a) Your child's name, your name as the parent, or the name of another family member;
- (b) Your child's address;
- (c) A personal identifier, such as your child's social security number or student number; **or**
- (d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

### **NOTICE TO PARENTS**

#### **34 CFR §300.612**

The Department of Education must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the state;
2. A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that participating agencies must follow regarding

storage, disclosure to third parties, retention, and destruction of personally identifiable information; **and**

4. A description of all of the rights of parents and children regarding this information, including the rights under the FERPA and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as "child find"), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activity to locate, identify, and evaluate children in need of special education and related services.

### **ACCESS RIGHTS**

#### **34 CFR §300.613**

##### **Section 1002.22(3)(a)4 of the Florida Statutes**

The participating agency must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The participating agency must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individual educational plan (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 30 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the participating agency to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the participating agency provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; **and**
3. Your right to have your representative inspect and review the records.

The participating agency may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship or separation and divorce.

### **RECORD OF ACCESS**

#### **34 CFR §300.614**

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

## **RECORDS ON MORE THAN ONE CHILD**

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### **34 CFR §300.615**

If any education record includes information on more than one student, the parents of those students have the right to inspect and review only the information relating to their child or to be informed of that specific information.

## **LIST OF TYPES AND LOCATIONS OF INFORMATION**

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### **34 CFR §300.616**

On request, each participating agency must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

## **FEES**

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### **34 CFR §300.617**

Each participating agency may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information under Part B of the IDEA.

## **AMENDMENT OF RECORDS AT PARENT'S REQUEST**

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### **34 CFR §300.618**

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the participating agency that maintains the information to change the information. The participating agency must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request. If the participating agency refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading *Opportunity For a Hearing*.

## **OPPORTUNITY FOR A HEARING**

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### **34 CFR §300.619**

The participating agency must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

## **HEARING PROCEDURES**

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### **34 CFR §300.621**

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the FERPA.

## **RESULT OF HEARING**

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### **34 CFR §300.620**

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the participating agency decides that the information is **not** inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the participating agency.

Such an explanation placed in the records of your child must:

1. Be maintained by the participating agency as part of the records of your child as long as the record or contested portion is maintained by the participating agency; **and**
2. If the participating agency discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

## **CONSENT FOR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

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### **34 CFR §300.622**

Unless the information is contained in education records, and the disclosure is authorized without parental consent under FERPA, your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible student who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

## **SAFEGUARDS**

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### **34 CFR §300.623**

Each participating agency must protect the confidentiality of personally identifiable information

at collection, storage, disclosure, and destruction stages. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and the FERPA. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

## **DESTRUCTION OF INFORMATION**

### **34 CFR §300.624**

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

The information must be destroyed at your request. However, a permanent record of your child's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

## **CHILDREN'S RIGHTS**

### **34 CFR §300.625**

Under the regulations for FERPA in 34 CFR 99.5(a), your rights regarding education records are transferred to your child at age 18.

If the rights accorded to you under IDEA are transferred to your child who reaches the age of majority, consistent with 34 CFR 300.520, the rights regarding educational records also are transferred to your child. However, the school district must provide any notice required under section 615 of the Act or Florida State Board of Education Rules 6A-6.03011 through 6A-6.0361, Florida Administrative Code (F.A.C.), to you and the student.

## **MEDIATION**

### **GENERAL INFORMATION**

#### **34 CFR §300.506**

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading *Filing a Due Process Hearing Request*.

## **Requirements**

The procedures must ensure that the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; **and**
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents and schools that choose not to use the mediation process an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center in the state; **and**
2. Who would explain the benefits and encourage the use of the mediation process to you.

The State must have a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The Department of Education must select mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings. Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district. Both the parent and the school district may be required to sign a confidentiality pledge prior to the commencement of the mediation process.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; **and**
2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil

proceeding of any federal court or State court of a State receiving assistance under Part B of IDEA.

### **Impartiality of mediator**

The mediator:

1. May not be an employee of the Department of Education or any school district or any State agency that receives IDEA funds through the Department of Education; **and**
2. Must not have a personal or professional interest that conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator.

## **STATE COMPLAINT PROCEDURES**

### **DIFFERENCES BETWEEN DUE PROCESS HEARING AND STATE COMPLAINT PROCEDURES**

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the Department of Education, or any other public agency. Only you or a school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of a student with a disability, or the provision of a FAPE to the student. Although staff of the Department of Education generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45 calendar days after the end of the resolution period, as described in this document under the heading *Resolution Process*, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution, and hearing procedures are described more fully below.

### **ADOPTION OF STATE COMPLAINT PROCEDURES**

#### **34 CFR §300.151**

##### **General**

The Department of Education must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. Widely disseminating the State complaint procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy

agencies, independent living centers, and other appropriate entities.

### **Remedies for denial of appropriate services**

In resolving a State complaint in which the Department of Education has found a failure to provide appropriate services, the Department of Education must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the student; **and**
2. Appropriate future provision of services for all children with disabilities.

## **MINIMUM STATE COMPLAINT PROCEDURES**

### **34 CFR §300.152**

#### **Time limit; minimum procedures**

The Department of Education must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the Department of Education determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; **and** (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; **and**
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; **and** (b) the reasons for the Department of Education's final decision

#### **Time extension; final decision; implementation**

The Department of Education's procedures described above also must:

1. Permit an extension of the 60-calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; **or** (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the Department of Education's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; **and** (c) corrective actions to achieve compliance.

**NOTE: Complaints limited to gifted education are covered by State Board of Education Rule 6A-6.03313, *Procedural Safeguards for Exceptional Students who are Gifted*, and have a 90-calendar-day limit unless there is an approved extension for exceptional circumstances.**

### **State complaints and due process hearings**

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading *Filing a Due Process Hearing Request*, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing, until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the Department of Education must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the Department of Education.

### **FILING A STATE COMPLAINT**

#### **34 CFR §300.153**

An organization or individual may file a signed written State complaint under the procedures described above.

The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations, or state requirements;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and
4. If alleging violations regarding a specific student:
  - (a) The name of the student and address of the residence of the student;
  - (b) The name of the school the student is attending;
  - (c) In the case of a homeless student or youth, available contact information for the student and the name of the school the student is attending;
  - (d) A description of the nature of the problem of the student, including facts relating to the problem; **and**

- (e) A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than **one year** prior to the date that the complaint is received.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the student at the same time the party files the complaint with the Department of Education.

### **DUE PROCESS HEARING REQUEST PROCEDURES**

#### **FILING A DUE PROCESS HEARING REQUEST**

##### **34 CFR §300.507**

##### **General**

You or the school district may file a due process hearing request on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation, or educational placement of your child or the provision of a FAPE to your child.

The due process hearing request must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process hearing request within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; **or**
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

##### **Legal Services**

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process hearing request.

#### **DUE PROCESS HEARING REQUESTS**

##### **34 CFR §300.508**

##### **General**

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process hearing request to the other party. That due process hearing request must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the due process hearing request, must also provide the Department of Education with a copy of the due process hearing request.

#### **Content of the due process hearing request**

The due process hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the proposed or refused action, including facts relating to the problem; **and**
6. A proposed resolution of the problem to the extent known and available to you or the school district at the time.

#### **Notice required before a hearing on a due process hearing request**

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney) files a due process hearing request that includes the information listed above.

#### **Sufficiency of due process hearing request**

In order for a due process hearing request to go forward, it must be considered sufficient. The due process hearing request will be considered sufficient (to have met the content requirements above) unless the party receiving the due process hearing request (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the due process hearing request, that the receiving party believes that the due process hearing request does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process hearing request insufficient, the hearing officer must decide if the due process hearing request meets the requirements listed above and notify you and the school district in writing immediately.

#### **Due process hearing request amendment**

You or the school district may make changes to the due process hearing request only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process hearing request through a resolution meeting, described below; **or**
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process hearing request, the timelines for the resolution meeting (within 15 calendar days of receiving the due process hearing request) and the time period for resolution (within 30 calendar days of receiving the due process hearing request) start again on the date the amended due process hearing request is filed.

#### **Local educational agency (LEA) or school district response to a due process hearing request**

If the school district has not sent a prior written notice to you, as described under the heading ***Prior Written Notice***, regarding the subject matter contained in your due process hearing request, the school district must, within 10 calendar days of receiving the due process hearing request, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process hearing request;
2. A description of other options that your student's individual educational plan (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; **and**
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1–4 above does not prevent the school district from asserting that your due process hearing request was insufficient.

#### **Other party response to a due process hearing request**

Except as stated under the sub-heading immediately above, ***Local educational agency (LEA) or school district response to a due process hearing request***, the party receiving a due process hearing request must, within 10 calendar days of receiving the due process hearing request, send the other party a response that specifically addresses the issues in the due process hearing request.

### **MODEL FORMS**

#### **34 CFR §300.509**

In its role as the state educational agency (SEA), the Florida Department of Education must develop model forms to help you file a due process hearing request and a state complaint. However, the SEA or the school district may not require you to use these model forms. In fact, you can use this form or another appropriate model form, provided it contains the required information for filing a due process hearing request or state complaint.

## STUDENT'S PLACEMENT DURING DUE PROCESS PROCEEDINGS

### 34 CFR §300.518

Except as provided below under the heading *Change of Placement Because of Disciplinary Removals*, once a due process hearing request is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the SEA or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process hearing request involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process hearing request involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving. If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

## RESOLUTION PROCESS

### 34 CFR §300.510

#### Resolution meeting

Within 15 calendar days of receiving notice of your due process hearing request, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in your due process hearing request. The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; **and**
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting.

The purpose of the meeting is for you to discuss your due process hearing request, and the facts that form the basis of the due process hearing request, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; **or**
2. You and the school district agree to use the mediation process, as described under the heading *Mediation*.

#### Resolution period

If the school district has not resolved the due process hearing request to your satisfaction within 30 calendar days of the receipt of the due process hearing request (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts, and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that the administrative law judge (ALJ) dismiss your due process hearing request. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process hearing request **or** fails to participate in the resolution meeting, you may ask the ALJ to order that the 45-calendar-day due process hearing timeline begin.

#### Adjustments to the 30-calendar-day resolution period

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution



period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

#### **Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; **and**
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the Department of Education.

#### **Agreement review period**

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within three business days of the time that both you and the school district signed the agreement.

## **DUE PROCESS HEARINGS**

### **IMPARTIAL DUE PROCESS HEARING**

#### **34 CFR §300.511**

##### **General**

Whenever a due process hearing request is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the *Due Process Hearing Request* and *Resolution Process* sections.

**NOTE: In addition to requesting mediation and filing a state complaint, parents and school districts have the right to request an impartial due process hearing. A request for a due process hearing may be made regarding any proposal or refusal of the school district to initiate or change the identification of, evaluation of, educational placement of, or provision of a FAPE to your child. Should a due process hearing be required, the hearing will be conducted by the Florida Department of Education through an impartial ALJ with Florida's Division of Administrative Hearings (DOAH) in accordance with applicable Florida Statutes and State Board of Education Rules.**

Florida has a “one-tier” due process system in which the SEA or another State-level agency or entity (other than the school district) is responsible for convening due process hearings. An appeal from a due process hearing decision goes directly to a federal district or State circuit court.

#### **Impartial hearing officer (i.e., ALJ)**

At a minimum, a hearing officer:

1. Must not be an employee of the SEA or the school district that is involved in the education or care of the student. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by federal and State courts; **and**
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

The Florida Department of Education will keep a list of those persons who serve as ALJs that must include the qualifications of each of those persons.

#### **Subject matter of due process hearing**

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process hearing request, unless the other party agrees.

#### **Timeline for requesting a hearing**

You or the school district must request an impartial hearing on a due process hearing request within two years of the date you or the school district knew or should have known about the issue addressed in the due process hearing request.

#### **Exceptions to the timeline**

The above timeline does not apply to you if you could not file a due process hearing request because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your due process hearing request; **or**
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

## **HEARING RIGHTS**

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### **34 CFR §300.512**

#### **General**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; **and**
5. Obtain written, or, at your option, electronic findings of fact and decisions.

#### **Additional disclosure of information**

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing. An ALJ may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

#### **Parental rights at hearings**

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; **and**
3. Have the record of the hearing, the findings of fact, and the decisions provided to you at no cost.

## **HEARING DECISIONS**

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### **34 CFR §300.513**

#### **Decision of ALJ**

An ALJ's decision on whether your child received a FAPE must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive a FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a FAPE;
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a FAPE to your child; **or**
3. Caused a deprivation of an educational benefit.

#### **Construction clause**

None of the provisions described above can be interpreted to prevent an ALJ from ordering a school district to comply with the requirements in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536).

#### **Separate request for a due process hearing**

Nothing in the procedural safeguards section of the federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process hearing request on an issue separate from a due process hearing request already filed.

#### **Findings and decision to advisory panel and general public**

The SEA or the school district (whichever was responsible for your hearing), after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; **and**
2. Make those findings and decisions available to the public.

## **APPEALS**

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### **FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

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#### **34 CFR §300.514**

##### **Finality of hearing decision**

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

### **TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS**

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#### **34 CFR §300.515**

The SEA must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings **or**, as described under the sub-heading *Adjustments to the 30-calendar-day resolution period*, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; **and**
2. A copy of the decision is mailed to each of the parties.

An ALJ may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

## **CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS**

### **34 CFR §300.516**

#### **General**

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

#### **Time limitation**

The party (you or the school district) bringing the action shall have 90 calendar days from the date of the decision of an ALJ to file a civil action.

#### **Additional procedures**

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; **and**
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

#### **Jurisdiction of district courts**

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

#### **Rule of construction**

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process hearing request, resolution meeting, and impartial due process hearing procedures) before going directly into court.

## **ATTORNEYS' FEES**

### **34 CFR §300.517**

#### **General**

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing SEA or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; **or** (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; **or**

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing SEA or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

#### **Award of fees**

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
  - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing, at any time more than 10 calendar days before the proceeding begins;
  - b. The offer is not accepted within 10 calendar days; **and**
  - c. The court or ALJ finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.
3. Fees may not be awarded relating to any meeting of the IEP Team unless the meeting is held as a result of an administrative proceeding or court action.

**NOTE: Fees also may not be awarded for mediation as described under the heading *Mediation*.**

A resolution meeting, as described under the heading *Resolution meeting*, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; **or**
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading *Due Process Hearings*.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

## **PROCEDURES WHEN DISCIPLINING STUDENTS WITH DISABILITIES**

### **AUTHORITY OF SCHOOL PERSONNEL**

#### **34 CFR §300.530**

##### **Case-by-case determination**

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

##### **General**

To the extent that they also take such action for children without disabilities, school personnel may, for not more than **10 school days** in a row, remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the student's IEP Team), another setting, or suspension. School

personnel may also impose additional removals of the student of not more than **10 school days** in a row in that same school year for separate incidents of misconduct; as long as those removals do not constitute a change of placement (see *Change of Placement Because of Disciplinary Removals* for the definition, below).

##### **Additional authority**

If the behavior that violated the student code of conduct was not a manifestation of the student's disability (see *Manifestation determination*, below) and the disciplinary change of placement would exceed **10 school days** in a row, school personnel may apply the disciplinary procedures to that student with a disability in the same manner and for the same duration as it would to students without disabilities, except that the school must provide services to that student as described below under *Services*. The student's IEP Team determines the interim alternative educational setting for such services.

##### **Services**

The services that must be provided to a student with a disability who has been removed from the student's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a student with a disability who has been removed from his or her current placement for **10 school days or less** in that school year if it provides services to a student without disabilities who has been similarly removed.

A student with a disability who is removed from the student's current placement for **more than 10 school days** must:

1. Continue to receive educational services, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; **and**
2. Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not happen again.

After a student with a disability has been removed from his or her current placement for **10 school days** in that same school year, and **if** the current removal is for **10 school days** in a row or less **and** if the removal is not a change of placement (see definition below), **then** school personnel, in consultation with the student's special education teacher(s), determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

If the removal is a change of placement (see definition below), the student's IEP Team determines the appropriate services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

### **Manifestation determination**

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 (except for a removal that is for **10 school days** in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; **or**
2. If the conduct in question was the direct result of the school district's failure to implement the student's IEP.

If the school district, the parent, and relevant members of the student's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the student's disability.

If the school district, the parent, and relevant members of the student's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

### **Determination that behavior was a manifestation of the student's disability**

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 must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; **or**
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading ***Special circumstances***, the school district must return the student to the placement from which the student

was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

### **Special circumstances**

Whether or not the behavior was a manifestation of the student's disability, school personnel may remove a student to an interim alternative educational setting (determined by the student's IEP Team) for up to 45 school days, if the student:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the Department of Education or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance (see the definition below), while at school, on school premises, or at a school function under the jurisdiction of the Department of Education or a school district; **or**
3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the Department of Education or a school district.

### **Definitions**

*Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c) and Section 893.02(4), Florida Statutes.

*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 Substance Act, 21 U.S.C. 812(c) or under any other provision of federal law.

*Interim alternative educational setting (IAES)* means a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of State Board of Education Rule 6A-6.03312.

*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.

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

## Notification

On the date it makes the decision to make a removal that is a change of placement of the student because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents with a procedural safeguards notice.

## **CHANGE OF PLACEMENT BECAUSE OF DISCIPLINARY REMOVALS**

### **34 CFR §300.536**

A removal of a student with a disability from the student's current educational placement is a **change of placement** if:

1. The removal is for more than 10 school days in a row; **or**
2. The student has been subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than 10 school days in a school year;
  - b. The student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals;
  - c. Of such additional factors 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; **and**

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

## **DETERMINATION OF SETTING**

### **34 CFR § 300.531**

The IEP Team must determine the interim alternative educational setting for removals that are **changes of placement**, and removals under the headings *Additional authority* and *Special circumstances*, above.

## **APPEAL**

### **34 CFR § 300.532**

#### **General**

The parent of a student with a disability may file a due process hearing request if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; **or**
2. The manifestation determination described above.

The school district may file a due process hearing request if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

## **Authority of an ALJ**

An ALJ hears and makes a determination regarding an appeal and requests for expedited due process hearing regarding discipline and, in making the determination:

1. 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 the requirements described under the heading *Authority of School Personnel*, or that the student's behavior was a manifestation of the student's disability; **or**
2. Order a change of placement of the student with a disability to an appropriate interim alternative educational setting (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.

These hearing procedures may be repeated if the school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

Whenever a parent or a school district files a due process hearing request, a hearing must be held that meets the requirements described under the headings *Due Process Hearing Requests*, *Due Process Hearings*, except as follows:

1. The Department of Education or school district must arrange for an expedited due process hearing, which must occur within **20** school days of the date the hearing is requested and must result in a determination within **10** school days after the hearing.
2. Unless the parents and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within **seven** calendar days of receiving notice of the due process hearing request. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within **15** calendar days of receipt of the due process hearing request.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but, except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see *Appeals*, above).

## **PLACEMENT DURING APPEALS**

### **34 CFR §300.533**

When, as described above, the parent or school district has filed a due process hearing request related to disciplinary matters, the student must (unless the parent and the Department of Education or school district agree otherwise) remain in the interim alternative educational setting pending the decision of the ALJ, or until the expiration of the time period of removal as provided for and described under the heading *Authority of School Personnel*, whichever occurs first.

## **PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES**

### **34 CFR §300.534**

#### **General**

If a student has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the student was a student with a disability, then the student may assert any of the protections described in this notice.

#### **Basis of knowledge for disciplinary matters**

A school district must be deemed to have knowledge that a student is a student with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the student expressed concern in writing that the student is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the student;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; **or**
3. The student's teacher or other school district personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's director of special education or to other supervisory personnel of the school district.

#### **Exception**

A school district would not be deemed to have such knowledge if:

1. The student's parent has not allowed an evaluation of the student or refused special education services; **or**
2. The student has been evaluated and determined to not be a student with a disability under Part B of the IDEA.

#### **Conditions that apply if there is no basis of knowledge**

If, prior to taking disciplinary measures against the student, a school district does not have knowledge

that a student is a student with a disability, as described above under the sub-headings *Basis of knowledge for disciplinary matters* and *Exception*, the student may be subjected to the disciplinary measures that are applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must 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 conducted by the school district, and information provided by the parents, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

## **REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES**

### **34 CFR §300.535**

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a student with a disability to appropriate authorities; **or**
2. Prevent 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.

#### **Transmittal of records**

If a school district reports a crime committed by a student with a disability, the school district:

1. Must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; **and**
2. May transmit copies of the student's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

## **REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF STUDENTS IN PRIVATE SCHOOLS AT PUBLIC EXPENSE**

### **GENERAL**

#### **34 CFR §300.148**

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a

disability at a private school or facility if the school district made a FAPE available to your child and you choose to place the student in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents in a private school under 34 CFR §§300.131 through 300.144.

### **Reimbursement for private school placement**

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or an ALJ may require the agency to reimburse you for the cost of that enrollment if the court or ALJ finds that the agency had not made a FAPE available to your child in a timely manner prior to that enrollment and that the private placement is appropriate. An ALJ or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the Department of Education and school districts.

### **Limitation on reimbursement**

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) at the most recent IEP meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) at least 10 business days (including any holidays that occur on a business day) prior to your removal of your child from the public school, you did not give written notice to the school district of that information;
2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; **or** upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) the school prevented you from providing the notice; (b) you had not received notice of your responsibility to provide the notice described above; or (c) compliance with the requirements above would likely result in physical harm to your child; **and**

2. May, in the discretion of the court or an ALJ, not be reduced or denied for the parents' failure to provide the required notice if: (a) the parent is not literate or cannot write in English; or (b) compliance with the above requirement would likely result in serious emotional harm to the child.

## **REQUIREMENTS FOR STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOLS**

### **GENERAL INFORMATION**

#### **34 CFR §§300.129 – 300.144**

Students with disabilities who have been enrolled in private schools by their parents do not have an individual right to special education and related services while enrolled in the private school. However, the following rights are afforded to parents of students enrolled in nonprofit private schools:

### **CHILD FIND**

#### **34 CFR §300.131**

You have the right to have your child evaluated by the district in which the private school is located to determine if your child may be a student with a disability. The district's child find and referral obligations toward your parentally-placed private school student are the same as for students enrolled in public school.

### **EXPENDITURES**

#### **34 CFR §300.133**

The district in which the nonprofit private school is located has a duty to expend on the pool of identified parentally-placed private school students with disabilities an amount that is the same proportion of the district's federal special education dollars as the number of those students is to the overall total number of students with disabilities within the district's jurisdiction.

### **CONSULTATION**

#### **34 CFR §300.134**

When designing and implementing special education services for parentally-placed private school students, the district has an obligation to consult in a timely and meaningful manner with representatives of those students and with private schools regarding the following issues:

1. The child find process itself, and whether parentally-placed private school students may participate equitably, as well as how parents of those students and private school representatives are notified of the process;
2. How the school district determined the proportionate share of federal dollars that will be spent;



3. The consultation process itself, including how that process will operate throughout the school year so as to ensure meaningful participation in services;
4. How, where, and by whom special education and related services will be provided, including the types of services and how such services will be apportioned if funds are insufficient to serve all students, and how and when these decisions will be made; **and**
5. If the district disagrees with views of private school officials on the provision and types of services, how the local unit will provide a written explanation of the reasons why the district made the decisions that it did.

#### **EQUITABLE SERVICES DETERMINED**

##### **34 CFR §300.137**

The district in which the nonprofit private school is located shall make the final decision(s) with respect to the services to be provided to eligible parentally-placed private school students with disabilities, following timely and meaningful consultation.

#### **EQUITABLE SERVICES PROVIDED**

##### **34 CFR §300.138**

For any parentally-placed private school student with a disability for whom the district decides that it will provide services, the district shall initiate and conduct a meeting with representatives of the private school to develop, review and revise a services plan

detailing the special education and related services to be provided. To the extent appropriate, the services plan team shall develop the services plan in a manner consistent with the development of an IEP.

#### **DUE PROCESS HEARINGS**

##### **34 CFR §300.140**

The due process hearing requirements apply to allegations that a district has failed to meet its child find duty to locate, identify, and evaluate private school students with disabilities. See page 12 for information regarding due process hearings.

#### **STATE COMPLAINTS**

##### **34 CFR §300.140**

The state complaint requirements apply to allegations that a district has failed to meet its obligations related to: the opportunity for equitable participation of parentally-placed private school students provided under IDEA; expenditures; the consultation process; provision of equitable services; including Private school officials may file a complaint with the Florida Department of Education, Bureau of Exceptional Education and Student Services, alleging that the district did not engage in consultation that was timely or meaningful or did not give due consideration to the views of the private school officials.

For more information about procedural safeguards in exceptional student education, please contact:

- The exceptional student education administrator in your district
- The Bureau of Exceptional Education and Student Services at the Florida Department of Education (850) 245-0476



Revised 1/09

Dr. Eric J. Smith, Commissioner

ESE 9256

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

**Appendix A. 2.**

1. Notice of Procedural Safeguards for Exceptional Students who are Gifted



## FLORIDA DEPARTMENT OF EDUCATION

# Summary of Procedural Safeguards for Students Who Are Gifted

### NOTICE

As a parent, you have a right to receive a copy of a document which fully explains the procedural safeguards which are available to you. This document is to be provided to you when you give your consent for an initial evaluation or placement, with any prior written notices of actions proposed or refused by the district and when a request for a due process hearing is filed.

As a parent you also have a right to prior written notice. Specifically, you have a right to:

- be notified a reasonable time before the school district: (a) identifies, evaluates, or places your child in an exceptional student education program, or provides a free appropriate public education (FAPE) to your child; (b) changes an identification, evaluation, placement that has been made or provision of FAPE; or (c) rejects your request that these actions be taken.
- receive all such notices in writing and in the language you speak and understand best, unless it is clearly not feasible to do so. If your native language is not a written language, the school officials must see that: (a) the notice is explained to you orally or in a mode of communication you understand; (b) you understand the information you have been given; and (c) there is written evidence that this requirement has been met.

The prior written notice must include the following items:

- A description and explanation of the action proposed or refused by the school district.
- A description of any options the school district considered and why these options were not selected.
- A description of each evaluation procedure, test, record, or report the school district will use as the basis for making any decision(s) regarding your child. "Evaluation" means procedures used to determine whether a child is gifted and to determine the nature and extent of the exceptional student education services that the child needs.
- A description of any other factors relevant to the district's proposal or refusal to take an action.
- A full explanation of all procedural safeguards available to you.

### CONSENT

Your written consent is necessary before the school district can:

- test your child individually with any tests that are not generally given to most other students prior to placing your child in an exceptional student education program.
- place your child in an exceptional education program for the first time.

Parent consent is not required prior to a school district's review of existing data as part of an evaluation.

Your consent must be given freely, and you may withdraw it at anytime before the activity consented to takes place.

If you do not give your consent, your child's basic right to attend school and participate in school activities will not be affected by your refusal. If you withhold or refuse consent for evaluation or placement, the school district may utilize informal

procedures to obtain written consent. If informal procedures do not result in written parental consent, the school district must document its attempts to secure consent and may request an impartial hearing to resolve the issue. An Administrative Law Judge can order a school district to act without your consent; however, you may appeal the Administrative Law Judge's Order.

### MEETINGS

As a parent, you have a right to participate in any educational plan (EP) or Individual Educational Plan (IEP) meetings held about your child.

### INDEPENDENT EDUCATIONAL EVALUATION

If you do not agree with the evaluation provided by the school -- that is, if you don't think they gave the right tests or reached the right conclusions -- you have the right to request that an independent educational evaluation be conducted at public expense. An "independent educational evaluation" means that your child will be tested by a qualified person who is not an employee of the school district. "Public expense" means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you. If you request that an independent educational evaluation be conducted at public expense, the school district must either initiate a due process hearing, or ensure that an independent educational evaluation is provided at public expense.

If the independent educational evaluation is provided at public expense, the criteria, including the location of the evaluation and the qualifications of the examiner, must be the same as those the school district uses when it initiates an evaluation.

If you have an independent educational evaluation conducted at your own expense, and the evaluation meets the school district's criteria for similar evaluations initiated by the district, the results of this evaluation:

- must be considered by the district in any decision regarding your child's education, and
- may be presented as evidence in a formal hearing (see "Hearings" section).

If an independent educational evaluation is requested by an Administrative Law Judge as part of a due process hearing, the evaluation must be at public expense.

### RECORDS

You have a right to:

- receive a copy of the evaluation report and other documentation used to determine your child's eligibility for an exceptional education program.
- receive, upon your request, a list of the types of educational records kept on your child, where they are maintained, and how you can gain access to them.
- inspect and review any of your child's records. The school district must comply with your request to do so:
  - without unnecessary delay,
  - before an IEP or EP meeting or hearing, and
  - within 30 days.

You have a right to:

- have someone from the school district explain or interpret any item in your child's records.

- receive copies of the records if this is the only way to ensure that you will be able to review and inspect them. The school may charge a fee for the copies, if such a charge does not prevent you from inspecting and reviewing the records. The district may not charge a fee for the time needed to search for or collect the information.
- have a representative inspect and review the records.

The school district is responsible for protecting the confidentiality of your child's education records by:

- Only releasing information with your consent, unless otherwise allowed by state or federal law.
- permitting you to see only that information which relates to your child when records contain information on more than one child.
- keeping a record of all persons (except parents and authorized employees of the participating agency) obtaining access to educational records, including the name, date of access, and purpose.

If you feel that any statements in your child's records are wrong or misleading, or violate the privacy of your child, you have a right to request a hearing to challenge this information. The school district must provide you with information on this process.

### HEARINGS

If at any time you cannot come to an agreement with the school district regarding your child's education, you and the school district have the right to ask for an impartial hearing. A hearing may be held on any matter relating to the identification, evaluation, or placement of your child or the provision of a free appropriate public education to your child.

The hearing will be conducted for the Florida Department of Education by an impartial Administrative Law Judge from the Division of Administrative Hearings in accordance with the applicable Florida Statutes and Board of Education rules. To obtain a hearing, you must provide a written request to the office of the superintendent of the school district.

### ADMINISTRATIVE LAW JUDGES

An impartial Administrative Law Judge will be assigned to preside over any such hearing and arrive at a decision. To ensure impartiality, this Administrative Law Judge may not be:

- an employee of a public agency (school system, institution, etc.) which is involved in the education or care of your child.
- anyone who has a personal or professional interest which would conflict with their impartiality in the hearing.

A person who otherwise qualifies to conduct a hearing in accordance with previously stated guidelines is not considered to be an employee of the agency simply because he or she is paid by the agency to be an Administrative Law Judge.

A list of persons who serve as Administrative Law Judges and their qualifications is available upon request.

### DUE PROCESS HEARING RIGHTS

Rights to which both you and the district are entitled include the right to:

- be accompanied and advised by legal counsel and by persons with special knowledge of or training in the problems of exceptional students.
- present evidence.
- cross-examine and compel the attendance of witnesses.

- receive copies of any evaluations, and recommendations based on the evaluations, which are intended to be used at the hearing, at least five business days prior to the hearing.
- prohibit the introduction of evidence that had not been revealed to you or to the school at least five business days before the hearing.
- obtain written or electronic verbatim records of the hearing.
- Obtain written findings of fact and decisions.

You also have a right to:

- Be notified regarding your rights and responsibilities before, during, and after the hearing.
- be told by the school district of free or low-cost legal help and other relevant services which may be available in the area. The school district must give you this information at any time you request it, or whenever a due process hearing is requested.
- have your child attend the hearing, if you wish.
- open the hearing to the public, if you wish.
- have the hearing conducted at a time and place reasonably convenient to you.

Within 45 days of receipt of your request for a hearing, the Administrative Law Judge must reach a final decision and mail you a copy of the decision. The Administrative Law Judge may grant a specific extension to this time period at the request of either party. The decision of the Administrative Law Judge is final, unless either you or the school district choose to appeal it.

After deleting any personally identifiable information, the Florida Department of Education transmits the Final Order to the State Advisory Committee for the Education of Exceptional Students and makes it available to the public.

### APPEALS OF DUE PROCESS HEARINGS

Following a due process hearing, either party, if not satisfied with the Administrative Law Judge's Final Order, has the right, within 30 days, to file an appeal and request a trial in the appropriate state court. The state circuit court shall: receive the records of the administrative proceedings; hear additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, grant the relief that it determines appropriate. As an alternative, either party has the right to request the Final Order's review by the appropriate state district court of appeal pursuant to Section 230.23(4)(m) and Section 120.68 of the Florida Statutes. The district court of appeal may conduct a review of the Final Order.

### PLACEMENT DURING DUE PROCESS HEARINGS AND APPEALS

During the time that any administrative or judicial proceeding is taking place, your child is to remain in his or her present educational placement, unless you and the school district agree otherwise. If the dispute concerns the initial admission of your child to public school, then your child, with your consent, will be placed in a public school program until the completion of the proceedings.

**The sample notice was developed and disseminated by the Florida Department of Education, Division of Public Schools and Community Education, Bureau of Instructional Support and Community Services.**



## DISTRI LEKÒL REJYON PALM BEACH

**Rezime sou dwa ak sekirite paran elèv ki entelijan anpil****AVI**

Antanke paran, ou dwe resevwa kopi yon dokiman ki bay esplikasyon byen detaye sou dwa ak mezi sekirite ou genyen ki disponib pou ou. Yo dwe ba w dokiman sa a lè ou bay otorizasyon pou evalye pitit ou a, chak fwa yo ba ou nenpòt enfòmasyon alekri sou desizyon distri lekòl la ta pwopoze oswa refize fè lè ou ranpli fòm demand pou odyans sou ka pitit ou a.

Kòm paran, se dwa w pou yo avèti w davans alekri sou sa k ap fèt. Espesyalman, men dwa ou genyen:

- Lekòl la dwe avèti w alavans nan yon tan rezonab anvan li: (a) idantifye, teste ak plase pitit ou a nan yon pwogram pou timoun ki bezwen edikasyon espesyal oswa bay yon pwogram edikasyon piblikgratis ki apwopriye (abreje FAPE an anglè) pou pitit ou a; (b) chanje yon metòd idantifikasyon, evalyasyon oswa plasman ki te fèt, oubyen tou, dapre reglemannan FAPE a; osnon (c) refize pou yo fè nenpòt nan aksyon sa yo.
- Ou gen dwa pou resevwa tout enfòmasyon sa yo alekri nan lang ou pale ak konprann pi byen an, so si se pa ta yon bagay ki posib menm pou fèt. Sizoka lang natifnatal ou pa yon lang ki kab ekri, responsab lekòl la sipoze fè sèten: (a) gen moun ki esplike enfòmasyon yo aloral ou byen nan lòt mwayen kominikasyon ou kapab konprann; (b) ou konprann tout enfòmasyon yo bay yo; epi (c) dwe gen dokiman ekri ki bay prèv yo te fè tout bagay sa.

Avi enfòmasyon davans ki alekri a dwe gen ladan li:

- Deskripsyon ak esplikasyon desizyon distri lekòl la pwopoze oswa refize a.
- Deskripsyon ak esplikasyon chwa distri lekòl la fè a ak rezon ki fè li te fè chwa sa yo.
- Deskripsyon ak esplikasyon chak etap evalyasyon an, tès la, dosye a, ak kalite rapò distri lekòl la ap itilize kòm baz ki te fè l pran kèlkeswa desizyon an vizavi pitit ou a. "Evalyasyon" vle di nan sans sa a kritè ki sèvi pou detèmine pitit ou an entelijan anpil ak pou detèmine kalite ak kantite sèvis pitit ou an ap bezwen nan pwogram edikasyon pou elèv espesyal la.
- Deskripsyon ak esplikasyon tout lòt faktè ki gen rapò ak desizyon distri lekòl la pwopoze oswa refize.
- Yon eksplikasyon ankonplè tout dwa ak sekirite ou genyen.

**OTORIZASYON**

Li enpòtan pou ou bay otorizasyon w alekri anvan distri lekòl la kapab:

- Bay pitit ou nenpòt tès yo pa abitye bay lòt timoun anvan pou yo mete l nan pwogram edikasyon espesyal.
- Mete pitit ou nan yon pwogram edikasyon espesyal pou premye fwa.

Li pa obligatwa pou w bay distri lekòl la otorizasyon pou revize yon seri enfòmasyon ki fè pati yon evalyasyon.

Ou sipoze bay otorizasyon w ak pwòp volonte w, epi ou kapab chanje lide w nenpòt lè anvan dat aktivite a.

Si w pa bay konsantman w, sa p ap afekte dwa pitit ou a toujou genyen pou kontinye ale ak patisipe nan lòt aktivite lekòl li san pwoblèm. Si w pa vle oswa refize bay konsantman w pou evalyasyon an ak plasman an, distri lekòl la gen dwa

itilize yon metòd enfòmèl pou rive jwenn konsantman w alekri. Si metòd enfòmèl pou jwenn konsantman w la pa mache, distri lekòl la ap dokimante tout demach li te fè pou jwenn konsantman w, epi li gen dwa mande yon odyans san patipri pou rive rezoud pwoblèm nan. Gen jij nan kòd lwa administratif ki kapab mande distri lekòl la pou pran desizyon san konsantman w; antouka, ou menm tou, ou gen dwa mande yon lòt jijman pou diskite sou desizyon jij sa a pran an.

**REYINYON YO**

Kòm paran, ou gen dwa patisipe nan nenpòt reyinyon y ap fè sou Plan Akademik (EP abreje anglè) oswa Plan Akademik Endividyèl (IEP abreje anglè) pou pitit ou an.

**EVALYASYON ENDEPANDAN**

Si ou pa dakò ak evalyasyon lekòl la fè a -- sètadi, si w panse tès ki bay yo ak desizyon ki pran yo pa bon -- ou gen dwa mande pou leta peye pou fè yon evalyasyon endepandan. Evalyasyon sa a, tankou lòt la, p ap koute w lajan. "Evalyasyon endepandan" an vle di se yon moun ki kalifye men ki pa p travay pou distri lekòl la ki ap konpoze pitit ou a. "Depans leta" vle di distri lekòl la ap peye pou evalyasyon an oswa l ap fè sèten li pa koute ou anyen. Si ou mande pou leta peye ou fè evalyasyon endepandan an, distri lekòl la dwe mande yon reyinyon touswit, oswa li dwe fè sèten evalyasyon endepandan an pa koute w anyen.

Si se depans leta k ap peye pou evalyasyon endepandan an, kritè evalyasyon sa a, kote y ap fè l la ak tout kalifikasyon moun k ap bay egzamen an, sipoze menm ak sa distri lekòl la konn ofri yo.

Si w te peye ak pwòp kòb pa w pou fè evalyasyon endepandan an, epi si evalyasyon sa a koresponn ak kritè lekòl la tabli pou menm kalite evalyasyon ki fèt nan distri a, rezilta evalyasyon sa a:

- distri lekòl la sipoze konsidere evalyasyon sa a nan nenpòt desizyon y ap pran konsènan edikasyon pitit ou an.
- rezilta evalyasyon sa a dwe prezante kòm prèv nan yon reyinyon espesyal (gade nan seksyon "OdyansPiblik" la).

Si se yon jij ki òdone pou evalyasyon endepandan an fèt nan kad yon odyans espesyal, se leta ki dwe peye pou evalyasyon sa a.

**DOSYE YO**

Se dwa w pou ou:

- resevwa yon kopi rapò evalyasyon an ak lòt dokimantasyon ki te sèvi pou detèmine si pitit ou a kalifye pou pwogram edikasyon espesyal la.
- resevwa, si w mande sa, yon lis tout kalite enfòmasyon lekòl la kenbe nan dosye pitit ou, kote li kenbe yo ak kouman ou kab fè pou ou jwenn yo.
- enspekte ou byen revize nenpòt pati nan dosye pitit ou. Lekòl la dwe dakò fè sa ak ou:
  - san delè ki pa nesesè.
  - Anvan yon reyinyon oswa seyan piblik sou IEP oswa EP, epi
  - nan yon peryòd 30 jou.

Se dwa w pou ou:

- mande yon moun nan distri a esplike ak entèprete pou ou nenpòt sa ki nan dosye pitit ou.

- resevwa kopi dosye yo si sèl mwayen ou genyen pou kab revize ak enspekte yo. Distri lekòl la kapab mande w peye yon frè pou kopi sa yo, depi frè sa a pa anpeche w revize ak enspekte dosye sa yo. Distri a pa gen dwa mande w peye okenn frè pou tan l ap pase nan chèche ak rasanble enfòmasyon sa yo.
- Fè yon reprezantan w revize ak enspekte dosye yo.

Fè yon reprezantan w revize ak enspekte dosye yo.

- divilge sèlman enfòmasyon dosye pitit ou dapre konsantman w, sof si leta ak lalwa federal ta mande otreman.
- kite ou wè sèlman enfòmasyon ki gen rapò ak pitit ou lè dosye yo gen enfòmasyon sou plizyè timoun.
- anrejistre non tout moun ki gade dosye yo (eksepte non paran yo ak non ak lòt moun ki gen otorizasyon k ap travay nan lekòl la ak nan ajans k ap patisipe yo) ak tout dat ak rezon ki fè yo te vin nan dosye a.

Si ou santi gen yon pati nan dosye pitit ou a ki pa bon osnon ki pa nòmal, ou gen dwa mande pou lekòl la chanje sa. Lekòl la gen dwa vle; li gen dwa pa vle. Si lekòl la pa vle, li dwe enfòmè w pou ki rezon li fè sa konsa.

### ODYANS ESPESYAL

Si w ta gen pwoblèm rive jwenn yon solisyon ak lekòl la sou edikasyon pitit ou, ou gen dwa mande yon reyinyon espesyal sou sa. Reyinyon sa a kab fèt sou nenpòt pwoblèm ki gen rapò ak idantifikasyon, evalyasyon oswa plasman pitit ou an nan yon pwogram. Ou kab mande reyinyon sa a tou pou w diskite ki kalite edikasyon apwopriye timoun nan kab jwenn gratis nan men leta.

Se jij ki travay nan Depatman administrasyon pou odyans espesyal yo k ap gen pou dirije odyans espesyal sa a nan non Depatman Edikasyon eta Florid la, dapre jan lalwa eta Florid la ak règleman komite dirijan edikasyon yo tabli sa. Si ou bezwen mande yon odyans espesyal, se pou w ekri Sipèntandan distri lekòl la ofisyeleman pou mande sa.

### JIJ ADMINISTRATIF YO

Y ap chwazi yon jij administratif ki pa nan patipri pou dirije odyans espesyal ou mande a pou kab jwenn yon desizyon. Pou asire pa gen patipri, Jij administratif la pa dwe:

- Yon anplwaye leta (distri lekòl la, oswa yon lòt enstitisyon, etsetera) ki gen rapò ak edikasyon oswa byennèt pitit ou an.
- Nenpòt moun ki gen yon enterè pèsone l oswa pwofesyonèl nan rezilta onèt reyinyon an dwe bay la.

Yo pa konsidere jij ki kalifye dapre kondisyon yo ki site anwo a pou dirije odyans espesyal la kòm anplwaye ajans la paske ajans la ap peye l pou l fè travay la.

Gen yon lis tout moun ki kalifye pou sèvi kòm jij odyans espesyal yo ak tout kalifikasyon yo ki disponib sou demand.

### DWA OU GENYEN NAN ODYANS ESPESYAL YO

Men dwa ni distri a ni ou menm genyen. Nou gen dwa:

- pran konsèy legal oswa vin ak yon moun ki gen konesans espesyal sou pwoblèm timoun ki entelijan anpil.
- prezante prèv.
- entèwoje temwen achaj ak egzije prezans temwen adechaj yo.

- pou resevwa kopi tout evalyasyon, rekòmandasyon ki baze sou evalyasyon yo k ap sèvi nan odyans la si omwen 5 jou alavans anvan dat jou odyans la.
- defann yo sèvi ak nenpòt prèv distri lekòl la pa t devwale w omwen 5 jou anvan dat jou odyans la.
- jwenn kopi ekzat tout dosye odyans espesyal la.
- jwenn tout enfòmasyon alekrit sou desizyon yo.

Se dwa w tou:

- pou yo fè konnen tout dwa ak responsablite ou genyen anvan, pandan, ak apre odyans la.
- resevwa enfòmasyon nan men distri lekòl la ki kote ou kab resevwa konsèy legal gratis oswa bon mache ki disponib nan rejyon w ap viv la. Lekòl la oswa distri a dwe ba ou enfòmasyon sa yo nenpòt lè ou mande sa, oswa depi ou fè demand pou yon odyans espesyal.
- pèmèt pitit ou vini nan odyans la, si w vle.
- pèmèt piblik la asiste odyans la, si ou vle.
- mande pou odyans la fèt nan yon lè ak yon kote k ap bon pou ou.

Jij ki te prezidan odyans la dwe ekri w pou l fè ou konnen ki desizyon ki te pran nan yon delè 45 jou apre dat ou te fè demand la. Jij la kapab pwolonje peryòd 45 jou sa a sizoka gen youn nan pati yo ki ta mande sa. Se jij la ki dwe pran desizyon final la, sof si ou menm oswa komite dirijan lekòl la ta deside diskite sou sa.

Apre yo fin efase tout enfòmasyon pèsone l ki kab lakòz yo idantifye yon moun Depatman Edikasyon eta Florid la dwe transmèt jijman final la bay Komite Konsiltatif Leta pou pwogram edikasyon espesyal la ki dwe, li menm, mete rapò sa aladispozisyon piblik la.

### JIJMAN AN APÈL SOU REZILTA ODYANS YO

Apre desizyon fin pran nan odyans espesyal la, si ou menm oubyen lòt pati a pa satisfè ak desizyon jij administratif ki t ap prezide a, nou gen dwa, anvan 30 jou pase, fè apèl, mande pou pwolonje koze a nan tribinal rejyonal la. Tribinal rejyonal la dwe: resevwa rapò dosye pwosedi administratif yo; tandè prèv adisyonèl ki egziste yo dapre rekèt youn nan pati yo; epi, dapre prèv ki etabli yo, bay desizyon li oswa akòde solisyon li panse ki apwopriye a. Menm jan an tou, nenpòt nan de pati yo gen dwa mande tribinal leta ki responsab demand apèl nan rejyon an pou revize rezilta jijman final dapre jan atik 230.23(4)(m) ak 120.68 nan lwa eta Florid la tabli sa. Tribinal apèl nan distri a gen dwa pran responsablite pou revize desizyon jijman final ki te pran an.

### PLASMAN ELÈV LA PANDAN ODYANS AK APÈL

Pandan dewoulman pwosedi administratif ak legal yo ap fèt, pitit ou a ap rete nan klas ak nan pwogram kote li ye a, sof si ou menm ak tout distri lekòl la ta deside otreman. Si diskisyon k ap fèt yo konsènan admisyon pitit ou a nan sistèm lekòl leta a, lè sa a, pitit ou a, dapre konsantman ou, pral nan yon pwogram lekòl leta jiskaske pwosedi a fini.

**Se Depatman Edikasyon eta Florid, Branch lekòl piblik ak edikasyon kominotè, Biwo pou sipò nan anseyman ak sèvis kominotè ki te devlope ak pibliye bwochi sa a.**



DEPARTAMENTO DE EDUCACIÓN DE LA FLORIDA

## Resumen de Procedimientos para Salvaguardar los Derechos de los Estudiantes Superdotados

### AVISO

Como padre o madre, usted tiene el derecho de recibir una copia del documento que le explica en detalle los procedimientos para salvaguardar los derechos que están a su disposición. Este documento le será entregado cuando usted dé su consentimiento para una evaluación o colocación inicial, con aviso previo por escrito, de acciones propuestas o rechazadas por el distrito y cuando se presente una petición para una audiencia de proceso legal debido.

Como padre o madre, usted también tiene el derecho de recibir avisos previos por escrito. Específicamente, usted tiene el derecho de:

- ser notificado con tiempo razonable antes de que el distrito escolar: (a) identifique, evalúe o coloque a su hijo(a) en un programa de educación de estudiantes excepcionales, o proporcione educación pública apropiada gratis (FAPE) a su hijo; (b) cambie una identificación, evaluación, o colocación que se haya realizado, o por disposición de FAPE; o (c) rehúse su petición para que se tomen estas medidas.
- recibir todos estos avisos por escrito y en el idioma que usted habla y entiende mejor, a menos que no sea claramente factible hacerlo así. Si su idioma natal no es un idioma escrito, los funcionarios escolares deberán encargarse de: (a) que se le explique el aviso oralmente o en un modo de comunicación que usted entienda; (b) que usted entienda la información que se le ha dado; y (c) que haya evidencia por escrito que se ha cumplido con este requisito.

Los avisos escritos anteriormente deberán incluir los siguientes puntos:

- una descripción y explicación de la acción propuesta o rechazada por el distrito escolar.
- una descripción de las opciones que el distrito escolar consideró y por qué estas opciones no fueron seleccionadas.
- una descripción de cada procedimiento de evaluación, prueba, expediente, o informe que el distrito escolar usará como base para tomar cualquier decisión o decisiones con respecto a su hijo. "Evaluación" significa los procedimientos empleados para determinar si un(a) niño(a) es superdotado(a) y para determinar la índole y magnitud de los servicios educativos para estudiantes excepcionales que el niño necesita.
- una descripción de cualquier otro factor que el distrito escolar haya considerado en su propuesta de aceptar o negar la toma de una acción.
- una explicación completa de todos los resguardos procesales que están a su disposición.

### CONSENTIMIENTO

Su consentimiento por escrito es necesario antes de que el distrito escolar pueda:

- examinar a su hijo individualmente sometiéndolo a cualquier prueba que normalmente no se da a los demás estudiantes antes de determinar si su hijo reúne los requisitos para ser colocado en un programa de educación de estudiantes excepcionales.
- colocar a su hijo en un programa de educación excepcional por primera vez.

El consentimiento del padre o de la madre no se requiere antes de que el distrito escolar revise los datos existentes como parte de una evaluación.

Su consentimiento deberá ser dado libremente y el mismo puede ser retirado en cualquier momento antes de que tenga lugar la actividad para la cual usted dio su consentimiento.

Si usted no da su consentimiento, el derecho básico de su hijo(a) de asistir a la escuela y participar en actividades escolares no se verá afectado por su negación. Si usted retiene o rehúsa dar el consentimiento para la evaluación o colocación de su hijo, el distrito escolar podrá utilizar procedimientos informales para obtener el consentimiento por escrito. Si los procedimientos

informales no resultan en un consentimiento por escrito de los padres, el distrito escolar deberá documentar los esfuerzos realizados para obtener el consentimiento y podrá solicitar una audiencia imparcial para resolver el asunto. Un Juez de Derecho Administrativo puede ordenar a un distrito escolar a proceder sin el consentimiento de los padres; sin embargo, usted siempre puede apelar la Orden del Juez de Derecho Administrativo.

### REUNIONES

Como padre o madre, usted tiene el derecho de participar en las reuniones que tengan que ver con cualquier Plan Educativo (EP) o Plan Individual de Educación (IEP) referente a su hijo.

### EVALUACIÓN EDUCATIVA INDEPENDIENTE

Si usted no está de acuerdo con la evaluación proporcionada por la escuela--es decir, si piensa que no se han administrado las pruebas apropiadas o no se ha llegado a las conclusiones correctas--usted tiene el derecho de solicitar que se realice una evaluación educativa independiente pagada con fondos públicos. Una "evaluación educativa independiente" significa que su hijo(a) será examinado(a) por una persona calificada que no sea un empleado del distrito escolar. "Pagado con fondos públicos" significa que el distrito escolar pagará el costo total de la evaluación o se asegurará de que la evaluación se provea sin costo alguno para usted. Si usted solicita que se lleve a cabo una evaluación educativa independiente pagada con fondos públicos, el distrito escolar deberá, o asegurará que se proporcionará una evaluación educativa independiente pagada con fondos públicos.

Si para la evaluación educativa independiente se utilizan fondos públicos, los criterios, incluso el lugar de la evaluación y las calificaciones del examinador, deben ser los mismos que el distrito escolar utiliza al iniciar una evaluación.

Si usted manda a hacer una evaluación educativa independiente corriendo usted con los gastos, dicha evaluación deberá satisfacer los criterios del distrito escolar para evaluaciones similares iniciadas por el distrito, los resultados de esta evaluación:

- deberán ser considerados por el distrito en cualquier decisión relacionada con la educación de su hijo, y
- podrán ser presentados como evidencia en una audiencia administrativa formal (véase la sección titulada "Audiencias").

Si un Juez de Derecho Administrativo llegase a solicitar una evaluación educativa independiente como parte del proceso legal debido, la evaluación deberá ser pagada con fondos públicos.

### EXPEDIENTES

Usted tiene el derecho de:

- recibir una copia de la evaluación y demás documentación utilizada para determinar la elegibilidad de su hijo para un programa de educación excepcional.
- recibir, de acuerdo a su solicitud, una lista de todos los tipos de expedientes académicos que se mantienen de su hijo(a), el lugar donde se guardan, y la forma en que usted puede tener acceso a los mismos.
- inspeccionar y revisar cualquiera de los expedientes de su hijo. El distrito escolar debe cumplir con su solicitud:
  - sin demora innecesaria,
  - antes de una reunión o audiencia referente al IEP o EP, y
  - dentro de 30 días.

Usted tiene el derecho de:

- hacer que alguien del distrito escolar le explique o interprete cualquier asunto que esté incluido en los expedientes de su hijo.

- recibir copias de los expedientes si ésta es la única manera de asegurar que usted podrá revisar e inspeccionarlos. La escuela puede cobrar por las copias, siempre y cuando dicha cantidad no le impida inspeccionar y revisar los expedientes. El distrito no deberá cobrarle por el tiempo que se necesitó para buscar o recopilar la información.
- hacer que un representante inspeccione y revise los expedientes.

El distrito escolar se responsabiliza de proteger el carácter confidencial de los expedientes académicos de su hijo(a) de la siguiente manera:

- proporcionando información sólo con su consentimiento, a menos que las leyes estatales o federales permitan hacerlo.
- permitir que usted vea solamente la información que se relaciona con su hijo cuando los expedientes contengan información sobre más de un niño
- mantener un registro de todas las personas (excepto los padres y los funcionarios autorizados de la agencia participadora) que hayan tenido acceso a los expedientes académicos, incluyendo el nombre, la fecha y el propósito.

Si usted cree que cualquier declaración en los expedientes de su hijo está equivocada o podría ser mal interpretada, o está infringiendo en la vida privada de su hijo, usted tiene el derecho de solicitar una audiencia para oponerse a esta información. El distrito escolar deberá proporcionarle información sobre este proceso.

### **AUDIENCIAS LEGALES**

Si en cualquier momento, usted no puede llegar a un acuerdo con el distrito escolar con respecto a la educación de su hijo, usted y el distrito escolar tienen el derecho de solicitar una audiencia imparcial. La misma puede ser llevada a cabo sobre cualquier asunto relacionado con la identificación, evaluación, o colocación de su hijo, o sobre la disposición de una educación pública gratuita apropiada para su hijo.

La audiencia será dirigida por un Juez de Derecho Administrativo imparcial de la División de Audiencias Administrativas, en nombre del Departamento de Educación de la Florida, de acuerdo con los Estatutos de la Florida y las reglas de la Junta de Educación correspondientes. Para obtener una audiencia, usted deberá presentar una solicitud por escrito a la oficina del superintendente del distrito escolar.

### **JUECES DE DERECHO ADMINISTRATIVO**

Un Juez de Derecho Administrativo imparcial será asignado a presidir en cualquiera de dichas audiencias y a llegar a una decisión. Para asegurar imparcialidad, este Juez de Derecho Administrativo no debe ser:

- un empleado de una agencia pública (sistema escolar, institución, etc.) que esté relacionada con la educación o cuidado de su hijo.
- alguien que tenga algún interés personal o profesional que pueda estar en conflicto con su imparcialidad en la audiencia.

Una persona que de otra manera califique para dirigir una audiencia legal en conformidad con las pautas estipuladas previamente no se considera ser un empleado de la agencia pública por el sólo hecho de que él o ella actúe en calidad de Juez de Derecho Administrativo, pagado por la agencia.

Una lista de personas que sirven de Jueces de Derecho Administrativo y sus calificaciones está a su disposición, a petición suya.

### **DERECHOS A UNA AUDIENCIA DE PROCEDIMIENTO LEGAL DEBIDO**

Entre los derechos suyos y del distrito se incluye el derecho a:

- ser acompañados y asesorados por un representante legal y por personas con conocimiento o adiestramiento especial en los problemas de los estudiantes excepcionales.
- presentar evidencia.
- contrainterrogar a los testigos y obligarlos a que asistan.

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- recibir copias de cualquier evaluación y recomendaciones basadas en las evaluaciones, que se piensan presentar en la audiencia, por lo menos cinco días laborales antes de que se celebre la audiencia.
- prohibir que se presenten pruebas que no hayan sido reveladas a usted o a la escuela por lo menos cinco días laborales antes de la audiencia.
- obtener copias fieles y precisas del registro de la audiencia, por escrito o por medios electrónicos.
- obtener por escrito el descubrimiento de los hechos y decisiones.

Usted también tiene derecho a:

- ser notificado de sus derechos y responsabilidades antes, durante, y después de la audiencia.
- ser informado por el distrito escolar dónde puede obtener ayuda legal gratis o a bajo costo, así como otros servicios pertinentes que estén disponibles en el área. El distrito escolar debe darle esta información en cualquier momento que usted la solicite, o cuando se solicite una audiencia de derecho al proceso legal debido.
- hacer que su hijo(a) asista a la audiencia, si usted así lo desea.
- hacer que la audiencia sea abierta al público, si usted así lo desea.
- hacer que la audiencia se lleve a cabo a la hora y en el lugar que sean razonablemente convenientes para usted.

Dentro de un plazo de 45 días después de que se reciba su solicitud para una audiencia, el Juez de Derecho Administrativo deberá tomar una decisión definitiva y enviarle a usted por correo una copia de dicha decisión. A solicitud de cualquiera de las partes, el Juez de Derecho Administrativo podrá otorgar una extensión de este plazo. La decisión del Juez de Derecho Administrativo es definitiva, a menos que usted o el distrito escolar decidan apelar.

Después de borrarse cualquier información que pueda identificar a la persona, el Departamento de Educación de la Florida transmite la Orden Final al Comité Asesor Estatal para la Educación de Estudiantes Excepcionales y la pone a disposición del público.

### **APELACIONES DE AUDIENCIAS DE PROCEDIMIENTO LEGAL DEBIDO**

Después de una audiencia de procedimiento legal debido, cualquiera de las partes que no haya quedado satisfecha con la Orden Final del Juez de Derecho Administrativo, tiene el derecho, dentro de un plazo de 30 días, de presentar una apelación y solicitar un juicio en el tribunal estatal apropiado. El tribunal del circuito debe: recibir el registro del proceso administrativo; examinar pruebas adicionales a solicitud de cualquiera de las partes; y, basando su decisión en la preponderancia de las pruebas, impartir el remedio de reparación apropiado. Como otra alternativa, cualquiera de las partes tiene el derecho de solicitar al tribunal de distrito estatal de apelaciones apropiado que revise la Orden Final de acuerdo con la Sección 230.23(4)(m) y la Sección 120.68 de los Estatutos del Estado de la Florida. El tribunal de apelaciones puede llevar a cabo una revisión de la Orden Final.

### **¿DONDE EL NIÑO O LA NIÑA ESTARÁ DURANTE LAS AUDIENCIAS Y APELACIONES?**

Durante el tiempo que se esté llevando a cabo un procedimiento administrativo o judicial, su hijo deberá permanecer en su colocación educativa actual, que actualmente atiende, a menos que usted y el distrito acuerden lo contrario. Si la disputa concierne la admisión inicial de su hijo a la escuela pública, entonces, con el consentimiento de usted, su hijo será colocado en un programa de escuela pública hasta que se concluya el proceso.

El aviso de muestra ha sido desarrollado y disseminado por el Departamento de Educación de la Florida, División de Escuelas Públicas y Educación de la Comunidad, Oficina de Apoyo Instruccional y Servicios a la Comunidad.





## Síntese dos Procedimentos Para Garantir os Direitos de Alunos Talentosos

### NOTIFICAÇÃO

Como pais os senhores têm o direito de receber uma cópia do documento que está à sua disposição, com todas as explicações sobre os procedimentos de garantia de direitos. Este documento lhes será fornecido quando os senhores derem permissão para uma avaliação inicial ou colocação, com quaisquer avisos prévios de ações propostas ou recusadas pelo distrito e quando uma audiência de procedimento legal for requisitada.

Como pais, os senhores também têm o direito de receber avisos prévios por escrito. Especificamente, os senhores têm o direito de:

- ser avisados com justa antecedência, antes que o distrito escolar: (a) identifique, avalie ou coloque o seu filho(a) em um programa de educação para alunos excepcionais ou providencie educação pública gratuita apropriada (FAPE); (b) modifique a identificação, avaliação, colocação que tenha sido feita ou provisões de (FAPE); ou (c) rejeite a solicitação dos senhores de que estas providências sejam tomadas.
- receber todas estas comunicações por escrito e no idioma que os senhores falam e melhor entendem, a menos que seja claramente impossível. Se o idioma dos senhores pais não tiver linguagem escrita as autoridades escolares deverão certificar-se de que: (a) a notificação seja explicada aos senhores oralmente ou em uma forma de comunicação que os senhores entendam; (b) os senhores entendam as informações que lhes foram dadas; e (c) que hajam provas por escrito de que estas exigências foram cumpridas.

A notificação prévia dada por escrito deverá incluir os seguintes itens:

- Uma descrição e explicação da ação proposta ou rejeitada pelo distrito escolar.
- Uma descrição de quaisquer opções que o distrito escolar considerou e o porque destas opções não terem sido selecionadas.
- Uma descrição de cada procedimento de avaliação, teste, ficha ou relatório que o distrito escolar irá usar como base ao tomar qualquer (quaisquer) decisão(ões) com respeito ao seu filho(a). "Avaliação" significa o procedimento usado para determinar se uma criança é talentosa e também o tipo e o âmbito de serviços educacionais para alunos excepcionais que a criança necessita.
- Uma descrição de quaisquer outros fatores relevantes à proposta ou à rejeição do distrito de tomar uma providência.
- Uma explicação completa sobre todos os procedimentos de garantia de direitos que se encontram disponíveis aos senhores..

### CONSENTIMENTO

O consentimento dos senhores pais dado por escrito é necessário antes que o distrito possa:

- Avaliar seu filho(a) individualmente com testes que não são geralmente dados à maioria dos outros alunos, antes de colocá-lo(a) em um programa de educação para alunos excepcionais.
- Colocar seu filho(a) em um programa de educação excepcional pela primeira vez.

O consentimento dos pais não é necessário para que o distrito escolar revise dados existentes como parte de uma avaliação.

O seu consentimento deverá ser dado por livre e espontânea vontade e os senhores podem retirá-lo a qualquer momento, antes que a atividade consentida se realize.

Se os senhores não derem o seu consentimento, o direito básico de seu filho(a) de frequentar a escola e participar das atividades escolares não será afetado, devido a esta recusa. Se os senhores retiverem ou se recusarem a dar o seu consentimento para avaliação ou colocação, o distrito escolar poderá utilizar de procedimentos informais para obter o consentimento por

escrito. Semesmo assim os resultados forem negativos, o distrito escolar deverá documentar as tentativas de conseguir o consentimento e poderá solicitar uma audiência imparcial para resolver o assunto. Um Juiz de Direito Administrativo pode dar ordens para que o distrito escolar aja sem o seu consentimento; todavia, os senhores podem apelar da ordem do Juiz de Direito Administrativo.

### REUNIÕES

Como pais os senhores têm o direito de participar de reuniões relacionadas ao Plano Educacional (EP) ou ao Plano Educacional Individual (IEP) de seu filho(a).

### AVALIAÇÃO EDUCACIONAL INDEPENDENTE

Se os senhores não concordarem com a avaliação feita pela escola - isto é, se acharem que eles não deram os testes corretos e não chegaram a uma conclusão correta - os senhores têm o direito de requisitar uma avaliação educacional independente, ao encargo da administração pública. Uma "avaliação educacional independente" significa que o aluno será avaliado por um profissional qualificado, que não seja um funcionário do distrito escolar. "Ao encargo da administração pública" significa que de uma maneira ou de outra o distrito escolar se responsabiliza pelo custo total da avaliação ou garante uma avaliação sem custo nenhum para os senhores. Se os senhores requisitarem uma avaliação independente ao encargo da administração pública o distrito escolar deverá solicitar uma audiência de procedimento legal ou garantir que uma avaliação educacional independente seja realizada, ao encargo da administração pública.

Se a avaliação educacional independente for realizada ao encargo da administração pública, os critérios, inclusive o local da avaliação e as qualificações do examinador, devem ser os mesmos que o distrito utiliza quando inicia um avaliação.

Se uma avaliação educacional independente for realizada com as despesas pagas pelos senhores e esta avaliação utilizar critérios semelhantes à avaliação iniciada pelo distrito, os resultados desta avaliação:

- devem ser considerados pelo distrito em qualquer decisão relacionada à educação de seu filho(a) e
- podem ser apresentados como provas em uma audiência formal (verificar a seção sobre "Audiências").

Se uma avaliação educacional independente for requisitada por um Juiz de Direito Administrativo como parte do processo legal de uma audiência, a mesma deverá ser realizada ao encargo da administração pública.

### FICHAS ESCOLARES

Os senhores pais têm o direito de:

- receber uma cópia do relatório de avaliação e outras documentações usadas para determinar a elegibilidade de seu filho(a) a um programa de educação excepcional.
- receber, conforme o seu pedido, uma lista dos tipos de fichas escolares de seu filho(a) mantidas na escola, onde elas são guardadas e como os senhores podem ter acesso às mesmas.
- inspecionar e revisar qualquer ficha do seu filho(a). O distrito escolar deverá concordar com a sua solicitação:
  - sem atrasos desnecessários,
  - antes de uma reunião ou audiência de IEP ou EP e
  - num prazo de 30 dias.

Os senhores têm o direito de:

- obter uma explicação ou interpretação feita por alguém do distrito escolar sobre qualquer item nas fichas escolares de seu filho(a).

- receber cópias das fichas escolares, se esta for a única maneira de garantir que os senhores possam revisá-las e inspecioná-las. O distrito pode cobrar uma taxa pelas cópias, contanto que isto não impeça que os senhores inspecionem ou revisem as fichas. O distrito não pode cobrar pelo tempo necessário para examinar ou reunir as informações.
- ter um representante para inspecionar e revisar as fichas escolares.

O distrito escolar é responsável por proteger o caráter confidencial das fichas educacionais de seu filho(a) da seguinte maneira:

- liberando informações somente com o consentimento dos senhores pais, a menos que por ordem judicial.
- permitindo que os senhores examinem apenas as informações relacionadas ao seu filho(a), quando as fichas escolares incluírem mais de uma criança.
- mantendo uma relação de todas as pessoas (com exceção dos pais e funcionários autorizados) que tiveram acesso às fichas educacionais, incluindo o nome, a data do acesso e qual a finalidade.

Se os senhores acharem que algumas das declarações contidas na ficha escolar de seu filho(a) estão incorretas ou distorcidas ou infringindo a privacidade do mesmo(a), os senhores têm o direito de requerer uma audiência para questionar estas informações. Cabe ao distrito escolar fornecer informações sobre este processo.

## AUDIÊNCIAS

Se em qualquer momento os senhores não conseguirem chegar a um acordo com o distrito escolar referente à educação de seu filho(a), ambos têm o direito de solicitar uma audiência imparcial. Uma audiência pode ser conduzida devido a qualquer problema relacionado à identificação, avaliação, colocação ou provisão de uma educação gratuita apropriada para o seu filho(a).

A audiência será conduzida para o Departamento de Educação da Flórida por um Juiz de Direito Administrativo imparcial da Divisão de Audiências Administrativas, de acordo com os Estatutos da Flórida e as regras do Conselho Educacional correspondentes. Para que os senhores possam obter uma audiência é necessário mandar uma solicitação por escrito para o superintendente do distrito escolar.

## JUÍZES DE DIREITO ADMINISTRATIVO

Um Juiz de Direito Administrativo imparcial será nomeado para presidir audiências de procedimento legal e chegar a uma decisão. O Juiz de Direito Administrativo não pode ser:

- um funcionário de repartição pública (distrito escolar, instituição, etc.) que esteja relacionada à educação ou esteja cuidando de seu filho(a).
- alguém que tenha um interesse pessoal ou profissional que possa entrar em conflito com a imparcialidade na audiência.

Uma pessoa que pelo contrário se qualifica para conduzir uma audiência de acordo com as exigências descritas acima, não é considerada um funcionário de repartição pública simplesmente porque é paga pela repartição para servir de Juiz de Direito Administrativo.

Uma lista de pessoas que trabalham como Juizes de Direito Administrativo e suas respectivas qualificações está à sua disposição, quando solicitada.

## DIREITOS EM UMA AUDIÊNCIA DE PROCEDIMENTO LEGAL

Direitos aos quais ambos os senhores e o distrito estão intitulados incluem os seguintes:

- ser acompanhados e assessorados por um consultor jurídico e por pessoas com conhecimento ou treinamento especiais relativos a problemas de alunos excepcionais.
- apresentar provas.
- contra-interrogar e impelir a presença de testemunhas.

PBSD 1776 PO (NEW 8/1/1999)

Portuguese version by the Translation Team, Multicultural Education Department, School District of Palm Beach County - January 2000 - (561) 434-8620

- receber cópias de quaisquer avaliações e recomendações baseadas nas avaliações, as quais se pretendem usar na audiência, com pelo menos cinco dias úteis de antecedência à mesma.
- proibir a apresentação de provas que não tenham sido reveladas aos senhores ou ao distrito escolar pelo menos cinco dias úteis antes da audiência.
- obter os testemunhos escritos ou gravados na audiência.
- obter o veredicto dos fatos e as decisões por escrito.

Os senhores também têm o direito de:

- ser notificados sobre os seus direitos e responsabilidades antes, durante e depois da audiência.
- ser informados pelo distrito escolar sobre auxílio legal gratuito ou de baixo custo e outros serviços importantes que se encontram disponíveis na área. O distrito escolar pode fornecer estas informações a qualquer momento em que os senhores as solicitarem ou quando uma audiência de procedimento legal for requisitada.
- solicitar a presença de seu filho(a) durante a audiência, se os senhores assim o desejarem.
- abrir a audiência ao público, se os senhores assim o desejarem.
- determinar que a audiência seja conduzida em local e horário convenientes para os senhores.

Dentro de 45 dias após o recebimento da solicitação para uma audiência, o Juiz de Direito Administrativo deverão chegar a uma decisão final e enviar-lhes uma cópia da decisão. O Juiz de Direito Administrativo pode conceder uma extensão deste prazo, a pedido de qualquer uma das partes. A decisão tomada pelo Juiz é definitiva, a não ser que os senhores ou o distrito escolar decidam apelar.

Depois de eliminar qualquer informação que possa identificar a pessoa, o Departamento de Educação da Flórida transmite a Ordem Final ao Comitê de Assessoria do Estado para a Educação de Alunos Excepcionais e torna-a disponível ao público.

## APELAÇÕES DO QUE FOI ESTABELECIDO NAS AUDIÊNCIAS DE PROCEDIMENTO LEGAL

Depois de uma audiência de procedimento legal, qualquer uma das partes, não estando satisfeita com a decisão do Juiz de Direito Administrativo, tem o direito de, num prazo de 30 dias, entrar com uma apelação e solicitar um julgamento no tribunal estadual correspondente. O tribunal do circuito estadual deverá: receber os relatórios dos procedimentos administrativos; ouvir outras provas adicionais solicitadas por uma das partes; e basear a decisão na preponderância da prova apresentada e outorgar a decisão que determinar ser apropriada. Como uma alternativa ambas as partes têm o direito de solicitar uma revisão da Decisão Final de acordo com a seção 230.23(4)(m) e seção 120.68 dos Estatutos da Flórida. O tribunal de apelação do distrito pode conduzir uma revisão da Decisão Final.

## ONDE A CRIANÇA DEVERÁ SER COLOCADA DURANTE AS AUDIÊNCIAS DE PROCEDIMENTO LEGAL E APELAÇÕES

Durante o período em que qualquer procedimento administrativo ou judicial estiver ocorrendo, seu filho(a) deverá permanecer no centro escolar que estiver frequentando no momento, a não ser que os senhores e o distrito concordem com outra alternativa. Se a disputa estiver relacionada à admissão inicial de seu filho(a) em escola pública, com o seu consentimento seu filho(a) será então colocado(a) em uma escola pública até que os procedimentos sejam finalizados.

Esta amostra de notificação foi desenvolvida e difundida pelo Departamento de Educação da Flórida, Divisão de Escolas Públicas e Educação Comunitária, Seção de Apoio à Instrução e Serviços Comunitários.

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

**Appendix C.1.**

1. Screening and Referral Procedures for Gifted
2. Student Evaluation for Gifted
3. Eligibility Criteria for Gifted
4. Instructional Program and Modifications for Gifted
5. District Evaluation Plan

The following pages are intended for inclusion of additional information as needed for 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 standardized test of intelligence: Differential Aptitude Scale (DAS), Leiter International Performance Scale, Stanford-Binet, Universal Nonverbal Intelligence test (UNIT) , Wechsler Intelligence Scale for Children (WISC), AND
3. An individually administered current edition standardized achievement test in reading and math: Kaufman Test of Educational Achievement (KTEA), Wechsler Individual Achievement Test (WIAT), Woodcock-Johnson (W-J) with a composite score of 119 or higher, or of 90% or higher in either reading or math.

### **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 student 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 Limited)

**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 nonverbal 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.

**ELIGIBILITY:**

Completion of ALL five (5) criteria on the Gifted Plan B Underrepresented Matrix, with a minimum score of 30 points:

1. Intellectual Assessment – Nonverbal instrument (current edition): Differential Ability Scale (nonverbal section); Leiter International Performance Scale; Naglieri Nonverbal Ability Test; Universal Nonverbal Intelligence Test; WISC-IV (PRI); Stanford-Binet (nonverbal)

2. Individual Achievement Test (current edition)- Kaufman Test of Educational Achievement II, Wechsler Individual Achievement Test II; Woodcock-Johnson Test of Achievement II
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

(Florida Department of Education Continuous Improvement/System Improvement Plan)

**Florida Department of Education  
Bureau of Exceptional Education and Student Services  
Continuous Improvement/System Improvement Plan  
Tracking Progress Report  
February, 2009**

**District: Palm Beach County      District Contact: \_Willard White, Ph.D.**

**Indicator: Gifted Disproportionality      Current risk ratio: 0.20\_\_\_\_\_**

**2008-09**

<i>Activity</i>	<i>Timeline</i>	<i>Resources</i>	<i>Action – February 2009</i>
Prepare and disseminate a letter to all schools directed to parents describing the gifted education program and outlining the process to follow for referring the child for screening and evaluation. This letter will be translated in Spanish, Creole, and Portuguese and will be available online.	Beginning of the 2008-09 school year	<ul style="list-style-type: none"> <li>• Florida Statute 6A.6.03019</li> <li>• District Special Programs and Procedures Document</li> </ul>	<ul style="list-style-type: none"> <li>• Letter and translations in Spanish, Creole and Portuguese are available on the Gifted Program Web site.</li> </ul>
Prepare a Bulletin to elementary principals stating the need to increase the number of Black, Hispanic, ELL and low SES students in the gifted program.	Beginning of the 2008-09 school year	<ul style="list-style-type: none"> <li>• Florida Statute 6A.603019</li> <li>• District Special Programs and Procedures Document</li> </ul>	<ul style="list-style-type: none"> <li>• Completed.</li> </ul>
Require all schools to send monthly nomination logs to the district office. District staff will document schools that are making few referrals for the gifted program and forward the results of the nomination logs to the Area Superintendents.	Monthly beginning with the 2008-09 school year		<ul style="list-style-type: none"> <li>• Monthly nomination logs are collected and recorded each month.</li> </ul>
Direct a week-long summer workshop on characteristics and identification of underrepresented students and state and district policies. The new K-12 Florida Frameworks for Gifted will also be a part of this workshop.	June 16 – 19, 2008	<ul style="list-style-type: none"> <li>• <i>Reversing Underachievement Among Black Students</i>, Donna Ford.</li> <li>• <i>Cultural and Underserved Populations of Gifted</i>, NAGC Publication</li> </ul>	<ul style="list-style-type: none"> <li>• 36 teachers of gifted students participated in this summer workshop.</li> </ul>

District staff will direct a Pre-school Workshop on the Identification of Underrepresented students for the gifted education program.	August, 2008	<ul style="list-style-type: none"> <li>• Same resources as above.</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-school workshops were cancelled by the district. All teachers were required to attend the reading adoption workshops.</li> </ul>
Activate the components for Florida Gifted Endorsement including the Course on Special Populations of Gifted.	July 2008 Classes will begin in September 2008	<ul style="list-style-type: none"> <li>• Classes will be taught in the evening in ten-week sessions at Okeeheelee Middle School.</li> </ul>	<ul style="list-style-type: none"> <li>• Endorsement classes are held in ten-week sessions. 130 teachers participated in classes in each of the sessions.</li> </ul>
Workshops for teachers on the identification and characteristics of underrepresented students.	September – December, 2008	<ul style="list-style-type: none"> <li>• Resources will include NAGC Publications on Underrepresented Populations</li> </ul>	<ul style="list-style-type: none"> <li>• Eight Workshops were held after school during the fall semester 2009.</li> <li>• 150 K-5 teachers of gifted attended and</li> <li>• 34 middle school teachers of gifted students attended.</li> </ul>
Gifted Forums will continue providing programs for teachers and parents of gifted students. Topics covered in 2008 included presentations by State Consultant, Donnajo Smith, the District Director of Psychological Services, and panel discussions by high school and middle school teachers.	September – January, 2009		<ul style="list-style-type: none"> <li>• Gifted Forums will continue in 2009. They are scheduled: 2/17, 3/17, and 3/21, 2009.</li> </ul>



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

**Appendix D**

**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>
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 D- 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 E.1.**

1. Individual Education Plan



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
EXCEPTIONAL STUDENT EDUCATION (ESE)  
**Individual Education Plan (IEP)**

<b>MATRIX (mandatory)</b>	STUDENT NUMBER	PAGE NO. <b>1 of</b>
CURRENT DATE		IEP DUE DATE
STUDENT NAME <i>(last, first, middle initial)</i>	DATE OF BIRTH	SEX
	GRADE	REEVALUATION DATE
SAC SCHOOL	CURRENT SCHOOL	

**1. PROCEDURAL SAFEGUARDS**

- SUMMARY OF PROCEDURAL SAFEGUARDS (PBSD 1025)** (in the home language) has been received by and an explanation was given to the parent(s) or guardian(s) of the student. Parent/Guardian initials: \_\_\_\_\_
- Parent received Summary of Procedural Safeguards and waived rights for explanation. Parent/Guardian initials: \_\_\_\_\_
- Parent was not in attendance. Copy of Summary of Procedural Safeguards (PBSD 1025) was sent home on: \_\_\_\_\_
- Primary language or mode of communication of parent/guardian if other than English \_\_\_\_\_
- Interpreter/translator provided:  N/A  Yes  No If no, explain \_\_\_\_\_

**2. IEP CONFERENCE(S)** Conference Type *(Check all that apply)*:

- Initial  Annual review  Temporary assignment  Alternative Education consideration  Reevaluation
- Extended School Year (ESY)  Preschool transition  Interim review *(date)* \_\_\_\_\_

**3. AREAS OF ELIGIBILITY** \_\_\_\_\_ Primary Exceptionality

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> C. Orthopedically Impaired    | <input type="checkbox"/> I. Visually Impaired             | <input type="checkbox"/> P. Autism Spectrum Disorder           |
| <input type="checkbox"/> D. Occupational Therapy       | <input type="checkbox"/> J. Emotional/Behavioral Disabled | <input type="checkbox"/> S. Traumatic Brain Injured            |
| <input type="checkbox"/> E. Physical Therapy           | <input type="checkbox"/> K. Specific Learning Disabled    | <input type="checkbox"/> T. Developmentally Delayed (age: 0-5) |
| <input type="checkbox"/> F. Speech Impaired F V A      | <input type="checkbox"/> L. Gifted                        | <input type="checkbox"/> V. Other Health Impaired              |
| <input type="checkbox"/> G. Language Impaired (circle) | <input type="checkbox"/> M. Hospital/Homebound            | <input type="checkbox"/> W. Intellectual Disability            |
| <input type="checkbox"/> H. Deaf or Hard of Hearing    | <input type="checkbox"/> O. Dual-Sensory Impaired         |  |

**4. SIGNATURES** The following individuals were in attendance at the IEP meeting and participated in the development of the IEP. Marked (\*) signatures indicate individuals who must be in attendance:

_____ PARENT/GUARDIAN	_____ GENERAL EDUCATION TEACHER *	_____ NAME/TITLE
_____ PARENT	_____ ESOL TEACHER	_____ NAME/TITLE
_____ LEA REPRESENTATIVE *	_____ STUDENT	_____ NAME/TITLE
_____ ESE TEACHER / ESE SERVICE PROVIDER *	_____ NAME/TITLE	_____ NAME/TITLE
_____ EVALUATION SPECIALIST *	_____ NAME/TITLE	_____ NAME/TITLE

STUDENT NAME (last, first, middle initial)	STUDENT NUMBER	PAGE NO. 2 of
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Complete for the students in 9th grade or turning **16 years of age** during the IEP year:  
**Responsibilities and/or Linkages for Transition Services:** How were agency representative(s) invited? (check below)

Written (date) \_\_\_\_\_  Phone (date) \_\_\_\_\_  Other \_\_\_\_\_ (date) \_\_\_\_\_

AGENCY REPRESENTED \_\_\_\_\_ RESPONSIBILITIES \_\_\_\_\_ AGENCY REPRESENTATIVE SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

If agency representative(s) were not in attendance, describe the method(s) of obtaining input:

District agency follow-up designee \_\_\_\_\_

**5. ENGLISH LANGUAGE LEARNER (ELL)**

Student has Limited English Proficiency.  Yes  No If Yes, student's ELL needs are met through:  
 ESE  ESE/ESOL  Other If other, explain: \_\_\_\_\_

**6. IEP CONSIDERATIONS**

The student's disability affects his/her involvement and progress in the general education curriculum, or for preschool students, participation in appropriate activities, in the following way(s):

Prior to developing IEP goals and objectives, the team has considered:

- Previous Goals and Objectives  Informal Assessments
- Evaluation/Reevaluation Results  Results of Performance on Statewide Assessment(s) (as appropriate):
- Strengths of Student \_\_\_\_\_
- Parent Input (concerns, strengths) \_\_\_\_\_

In addition to the previous information, the committee assures that the following have been considered or are not appropriate:

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| CONSIDERED               | N/A                                 |  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The assistive technology or equipment needs for the student.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The communication and language needs for the student.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Positive behavior interventions, strategies, and supports for students whose behavior impedes learning.                                |
| <input type="checkbox"/> | <input type="checkbox"/>            | The need for Braille instruction for students who are blind or visually impaired.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | For students who are deaf or hard of hearing, opportunities for direct communication in the student's language and communication mode. |

**7. OTHER PERTINENT INFORMATION**

**Diploma Option:**  Standard Diploma  Special Diploma (check one option)  Option 1  Option 2  
 N/A Student not age appropriate.  Special Diploma Graduate (date) \_\_\_\_\_

YES	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	Instruction/Introduction in the area of self determination for student who is or will be 14 years of age
<input type="checkbox"/>	<input type="checkbox"/>	Student is or will be 14 years of age or entering 9th grade and was informed of FCAT waiver
<input type="checkbox"/>	<input type="checkbox"/>	Medical Information: _____
<input type="checkbox"/>	<input type="checkbox"/>	Other (e.g., allergies, restrictions): _____

**8. TRANSITION STATEMENT**  N/A Student not age appropriate.

**14-15 years old** or will turn 14 during the current IEP duration. Transition service needs may be addressed through components of the IEP that focus on the student's course of study. Provide a brief description of the student's course of study.

**Student will take** \_\_\_\_\_ **course of study, leading to** (desired Postschool outcome)

STUDENT NAME (last, first, middle initial)	STUDENT NUMBER	PAGE NO. 3 of
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**Ninth grade or 16 years old** or will turn 16 during the current IEP duration (complete IEP Transition Plan (PBSD 1779)

The following is an outcome statement that describes a direction and vision of the student's post-high school plans from the perspective of the student, parent, and team members.

**Student will take** \_\_\_\_\_ **course of study, leading to** (desired Postschool outcome)

\_\_\_\_\_

**Post-School Measurable Goal(s):** The measurable post-secondary goal must address education or training, employment and where appropriate, independent living, be based upon the transition assessment data found in the present level statement and must be intended to occur after the student graduates from school.

**Student will** \_\_\_\_\_  
\_\_\_\_\_ by \_\_\_\_\_

**Transfer of Rights** Check if the student has been informed of transfer of rights at least one year prior to reaching the age of majority (18). Indicate the date when this occurred.

Student was informed. Date of notification: \_\_\_\_\_ How was the student notified? \_\_\_\_\_

Parent was informed. Date of notification: \_\_\_\_\_ How was the parent notified? \_\_\_\_\_

**9. LONG-TERM GOALS AND SHORT-TERM OBJECTIVES/TRANSITION PLAN**

The committee has determined that, based upon all available information, the attached long-term goals and short-term objectives are necessary to provide an appropriate education. See Long-term Goals and Short-term Objectives (PBSD 0659C) or Transition Plan (PBSD 1779).

**10. SPECIAL EDUCATION SERVICES**

Areas of Instruction (e.g., electives, math, etc.)	Location		Service Provider		Special Education Service	* Frequency/Time (e.g. daily, weekly, monthly/minutes)
	REG.	ESE BOTH	REG.	ESE BOTH		
1.						
2.						
3.						
4.						
5.						
6.						
7.						

**11. ACCOMMODATIONS / PROGRAM MODIFICATIONS / SUPPLEMENTAL AIDS AND SERVICES**

What	How Often	Where	By Whom

**12. RELATED SERVICES**

What	How Often	Where	By Whom

**Assistive Technology**  Yes  Assistive technology is not required at this time.

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

**Special Transportation** (Check all that apply.)  No special services needed

(A) Medical equipment (child safety restraint system included)  (B) Medical condition

(C) Aide/monitor required  (D) Shortened school day  Other: \_\_\_\_\_

**Physical Education** (Check only the one program that applies.)

Regular  Adaptive regular  Specially designed physical education  NA (Not required at this time)

**13. SUPPORT NEEDED FOR SCHOOL PERSONNEL**

No Support Services required at this time.

(The IEP team recommends the following training/support be provided to personnel listed below to assist with implementing the student's IEP.)

School Personnel	Needs	Who Is Responsible	Projected Date

**14. STATE OR DISTRICTWIDE ASSESSMENT PARTICIPATION**

Student not grade appropriate

§ 300.160 Participation in assessments. (a) A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs with appropriate accommodations and alternate assessments, if necessary. FAC 6A-1.0943 Statewide Assessment for Students with Disabilities Students may be excluded from statewide or district assessment programs if the following criteria are met: 1. The student's demonstrated cognitive ability prevents the student from completing required course-work and achieving the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, F.A.C., even with appropriate and allowable course modifications, and 2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.

To facilitate informed and equitable decision making, answer each of the following questions to determine the appropriate assessment. If the IEP team determines that all five of the questions accurately characterize the student's current educational situation, then the Florida Alternate Assessment should be administered. If "yes" is not indicated in all five areas, the student should participate in the Florida Comprehensive Achievement Test (FCAT) with accommodations, as appropriate.

YES NO

Is the student unable to master the Sunshine State Standards, even with appropriate and allowable course accommodations?

Is the student's demonstrated cognitive ability the primary reason for the inability to master these standards?

Is the student participating in modified or functional curriculum based on competencies in the Sunshine State Standards access points for all academic areas?

Does the student require extensive direct instruction in academic and vocational competencies as well as domestic, community living and leisure activities?

Does the student have deficits in adaptive behavior, as demonstrated by the inability to function effectively and independently in everyday living skills (interpersonal and social interactions) across a variety of settings?

Will the student participate in State and District assessments?

- Yes (standard administration)
- Yes (with accommodations)

Accommodations required for participation in the assessment (if permitted by the test publisher) may include: (Any accommodations which are checked must also be implemented in the classroom for the student)

- A. Scheduling \_\_\_\_\_
- B. Responding \_\_\_\_\_
- C. Assistive Devices \_\_\_\_\_
- D. Setting \_\_\_\_\_
- E. Presentation \_\_\_\_\_
- F. Other \_\_\_\_\_

- No (exempt from all portions; complete PBSO 1998)

Why exempt? \_\_\_\_\_

If the student meets exemption criteria the Florida Alternate Assessment will be completed.

15. EXTENDED SCHOOL YEAR

Extended School Year program has been considered. Does the student require an ESY program to obtain benefit from his/her educational program?

- Yes  No  Insufficient information available to determine ESY services. If yes, see ESY Interim form.

16. IEP IMPLEMENTATION

Person(s) responsible for the implementation of this IEP include:

- Regular Education Teacher(s)
- Speech/Language Pathologist
- Student
- Psychologist
- Orientation and Mobility Specialist
- Other(s): \_\_\_\_\_
- Physical Therapy Staff
- Occupational Therapy Staff
- ESE Teacher(s)
- Guidance Counselor

How will the IEP be made available to the persons implementing it?

- Copy given to all committee members at IEP meeting  Yes  No

If no, how will the IEP be provided? \_\_\_\_\_

All persons responsible were notified of their IEP implementation responsibilities during the IEP committee meeting.

- Yes  No If no, how will the IEP team members be notified? \_\_\_\_\_

**Services delineated on the IEP, unless otherwise indicated,**

will initiate \_\_\_\_\_ and have an anticipated duration through \_\_\_\_\_ and

will initiate \_\_\_\_\_ and have an anticipated duration through \_\_\_\_\_



### 17. LEAST RESTRICTIVE ENVIRONMENT (LRE)

**Considerations:** Factors considered in selecting the student's placement and ensuring that it is in the least restrictive environment include parent/committee input, current educational performance levels, goals and objectives, as well as: (Check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Student frustration and stress                                      | <input type="checkbox"/> Mobility access in a large school setting               |
| <input type="checkbox"/> Student self-esteem and worth                                       | <input type="checkbox"/> Need for increased supervision for safety               |
| <input type="checkbox"/> Student requires extensive adaptive equipment                       | <input type="checkbox"/> Health and safety concerns requiring adaptive equipment |
| <input type="checkbox"/> Student requires extensive direct academic instruction              | <input type="checkbox"/> Difficulty with emotional control                       |
| <input type="checkbox"/> Distractibility   | <input type="checkbox"/> Need for social skill development                       |
| <input type="checkbox"/> Need for lower pupil-to-teacher ratio                               | <input type="checkbox"/> Difficulty completing tasks                             |
| <input type="checkbox"/> Student requires extensive instruction in organizational strategies | <input type="checkbox"/> Health/medical services required                        |
| <input type="checkbox"/> Other(s): _____   | <input type="checkbox"/> Need for communication development                      |

Educational alternatives / placements / accommodations / modifications, previously considered or attempted.  
**The Team must always consider the regular classroom** (Check all that apply.)

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Regular Class  | <input type="checkbox"/> Special School     | <input type="checkbox"/> Drop out Prevention Program | <input type="checkbox"/> Accommodations           |
| <input type="checkbox"/> Resource Class | <input type="checkbox"/> Hospital/Homebound | <input type="checkbox"/> Counseling Services         | <input type="checkbox"/> Behavioral Interventions |
| <input type="checkbox"/> Special Class  | <input type="checkbox"/> Title I Program    | <input type="checkbox"/> Peer Tutoring               | <input type="checkbox"/> Other: _____             |

Considering the continuum of placement options, the students placement is determined by checking one of the following below. The students IEP goals will be achieved appropriately in:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Regular Class (0-315 mins. per week)     | <input type="checkbox"/> Special Class (900+ mins. per week) | <input type="checkbox"/> Residential School |
| <input type="checkbox"/> Resource Room (315 - 900 mins. per week) | <input type="checkbox"/> Special School                      | <input type="checkbox"/> Hospital/Homebound |

Indicate participation in non-academic activities with regular education students: (Check all that apply.)

- |  |                                |                                |                                      |                                 |   |
|--|--------------------------------|--------------------------------|--------------------------------------|---------------------------------|---|
| <input type="checkbox"/> Special Areas/Electives | <input type="checkbox"/> Clubs | <input type="checkbox"/> Lunch | <input type="checkbox"/> Field Trips | <input type="checkbox"/> Recess | <input type="checkbox"/> Community Experience |
| <input type="checkbox"/> Other _____             |                                |                                |                                      |                                 |   |

An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular classroom.

Will the student be educated in the school he or she would attend if non-disabled?  Yes  No

If no, will the student be attending the school closest to his/her home where the IEP can be implemented?  Yes  No

Will the student be removed from the regular education program for more than fifty percent of the school day because this is the least restrictive environment?  Yes  No

### 18. PRIOR WRITTEN NOTICE

A. Does this IEP include a change of placement or change in the provision of a Free Appropriate Public Education (FAPE) from the previous IEP?  No  Yes

B. Is it anticipated that the senior will graduate at the end of the current school year?  Yes  No

If **yes** to **A** and/or **B**, attach **Prior Written Notice** (PBSD 1723).

**19. PARENT(S)/GUARDIAN(S) COMMENTS**

Parent(s)/guardian(s) if present, please initial: \_\_\_\_\_ agreement or \_\_\_\_\_ disagreement.

Comments/Concerns

**IEP NOTES**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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

**Appendix E.2.**

1. Parent Participation Notification



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
EXCEPTIONAL STUDENT EDUCATION (ESE)

Current Date	Student Number
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### Parent Participation Notification

This notification invites you to attend a meeting regarding the educational program for your child.

Student Name <i>(last, first, middle initial)</i>	Date of Birth	Gender	Grade	School
---	---------------	--------	-------	--------

**Purpose of meeting:** \_\_\_\_\_  
\_\_\_\_\_

**Meeting location/date/time:** \_\_\_\_\_

The following people have been invited to participate in this meeting. When school to post-school transition services are being considered, your child will be invited. Indicate outside agencies with an asterisk (\*)

Name/Title	Name/Title
_____	_____
_____	_____
_____	_____
_____	_____

You have the right to bring to the meeting, individuals who have knowledge or special expertise regarding your child. Name of other attending (optional) \_\_\_\_\_

\*I give permission and hereby consent for agency(ies) listed above to be invited and participate in this meeting.  Yes  No

**Check one of the following options and sign below:**  This section is not applicable

**IEP Member Attendance Exemption** As a parent of a child with a disability, you may agree to exempt a child study team member from attending your child's IEP (Individual Educational Plan) meeting if the member's service is not required. You may also choose to allow written input from a member in lieu of attendance.

- I agree to excuse: \_\_\_\_\_ as member(s) of this IEP team meeting because the member(s)' area of curriculum or related service is not being modified or discussed in this meeting
- I agree to excuse: \_\_\_\_\_ as member(s) of this IEP team meeting because written input in the member(s)' area is attached in lieu of his/her attendance.

**Check one of the following options, sign below and return both pages to the School Center Designee:**

- I will attend the meeting on the date and time shown above in  person  or by telephone. If indicated above you will attend meeting by phone, provide telephone #: \_\_\_\_\_
- I would like to attend, but need to reschedule for the possible following date/time: \_\_\_\_\_
- I am unable to attend, but give my permission for the meeting to take place without me (see page 2).

\_\_\_\_\_  
*Signature of Parent or Guardian*                      *Date*  
E-mail \_\_\_\_\_

Parent/Guardian Telephone Numbers: (home) _____ (work/cell) _____
---

**If you have any questions regarding these recommendations contact one of the designees below. To reschedule the meeting call the School Center Designee.**

School Center Designee	Telephone	Area ESE Designee	Telephone

Your child may be eligible to participate in the John M. McKay Scholarship Program for Students with Disabilities. This is a parental choice program offering both private and public school choice options. For additional information you may visit the Florida Department of Education website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) or call 1-800-447-1636. You may also contact the local McKay Contact person at (561) 434-8624 or visit the District ESE website at [http://www.palmbeach.k12.fl.us/ESE/new\\_mckay.htm](http://www.palmbeach.k12.fl.us/ESE/new_mckay.htm).

**Parent Participation  
Notification continued**

Student Name <i>(last, first, middle initial)</i>	Current Date	Student Number
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**The following may be completed by the parent in preparation for the student's meeting.**

What are the strength/concerns of the student?

What kinds of things would the student like/dislike to do in school?

What are some goals that the student needs to work on?

What would the student like to do in the future?

<b>OFFICE USE ONLY</b>			
CONTACT ATTEMPTS MADE BY	DATE	TYPE	RESULT
CONTACT ATTEMPTS MADE BY	DATE	TYPE	RESULT

## **Parent Participation Notification and Student Profile Information Directions for Completion**

1. **Demographics:** Complete section with all current student information.
2. **Purpose of meeting:** Use the drop down menu to select up to three purposes for a scheduled meeting. If more than three purposes will be address you may type additional information on the lines.
3. **Meeting location/date/time:** Fill in place meeting will occur, the date the meeting is scheduled for and the time the meeting will begin. You may also indicate a range of time for the meeting, i.e. 9:30 am - 11:00 am.
4. **Invited to participate:** List the name and title of the persons/agencies invited by the school to attend. Persons/agencies invited by the parent are not listed in this section. Designate an outside agency invited by the school with an asterisk (\*). At age 16 and older an agency representative must be invited.
  - a. You have to right to bring to the meeting . . . : Parents may fill in the names, titles, agencies of persons they are bringing to the meeting with them.
  - b. Parents answer yes (or no) to indicate consent (or not) for the agencies listed to participate in meeting.
5. **IEP Member Exemption Section** (this section should be used in consultation with your ESE Area Coordinator or Designee)
  - a. On the lines provided after first check-box fill in who you would like to consider excusing; and/or
  - b. On the lines provided after the second check-box fill in who you would like to provide written input in lieu of attending the meeting.
6. **Parental Attendance:** Check one of the following: Parents should indicate their preference in this area. They may indicate they plan to participate via phone.
7. **Parent Signature** Parent should sign and date and provide contact information
8. **School and Area Designee**, including telephone numbers where they can be reached
9. **Page 2 - All parents should be provided the student profile questions on page 2.** Page 2 is to be provided to the parent in preparation for scheduled meetings.
10. **Document all contact attempts** on the lines provided. If additional space is needed to document repeated attempts you may attach attempts on a separate sheet of paper.

Attach PBSD 2239, for parents to acknowledge receipt of procedural safe guards at the minimum in the following situations:

- upon initial referral or request for an evaluation
- upon the school district's refusal to conduct an initial evaluation that have requested
- upon each notice of a meeting of the individual educational plan (IEP) team for a child
- upon request for consent to a reevaluation of your child
- upon receipt of the first State complaint in a school year
- upon the school district's receipt of a request for a due process hearing
- when a decision is made to take disciplinary action that constitutes a change of placement
- upon a parent's request to receive a copy