

**FLORIDA DEPARTMENT OF EDUCATION**

**DIVISION OF K-12 PUBLIC SCHOOLS**

**BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES**

**School District**

Volusia

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

**EFFECTIVE DATE:**

2016-2017 through 2018-2019

## SP&P SIGNATURE PAGE

School District: **Volusia County**

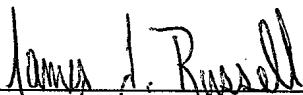
Administrator of Exceptional Student Education: **Kimberly Gilliland**

This document is effective for the **2016–2017 through 2018–2019** school years.

### CERTIFICATION OF APPROVAL

**James T. Russell**

I, **James T. Russell**, 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

**7/25/17**  
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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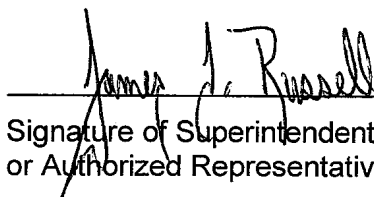
Administrator of Exceptional Student Education: **Kimberly Gilliland**

This document is effective for the **2015–2016 through 2017–2018** school years.

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

**Part I. General Policies and Procedures****Section A.1: Legal Requirements for General Policies and Procedures****Statutory and Regulatory Citations**

Title 34 Code of Federal Regulations (CFR) §300.641

Sections 1003.57, 1003.571, and 1003.573, Florida Statutes (F.S.)

Rules 6A-6.03411 and 69A-58.0084, Florida Administrative Code (F.A.C.)

**Requirement Related to ESE Policies and Procedures**

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

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

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

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



**Part I. General Policies and Procedures****Section A.2: Legal Requirement Related to the Use of Restraint and Seclusion****District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE****District Level Standards****Districts shall:**

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

**District Monitoring Standards****Districts shall:**

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

**School Level Standards****Schools shall:**

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:

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

#### **Requirement Related to the Use of Restraint and Seclusion**

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

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

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

#### **District Policies Regarding Restraint and Seclusion**

1. Physical restraint – One of the following must be selected:
  - ☒ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
  - ☐ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.
2. Seclusion – One of the following must be selected:
  - ☐ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
  - ☐ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

#### **Assurances**

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

## Part I. General Policies and Procedures

### Section A.3: Requirements Related To Documenting and Reporting Incidents of Restraint and Seclusion

#### Documentation and Incident Reporting

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

6. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

## Part I. General Policies and Procedures

### Section A.4: District Procedures Related To Documenting and Reporting Incidents of Restraint and Seclusion

#### District Procedures

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

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

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

If a student is restrained in a Volusia County School, a "Notification of Use of Manual Physical Restraint" will be completed and provided to the parent on the day of the incident electronically, in person, if the parent comes to the school, or via other methods necessary. This notification will include the type of restraint used and information regarding whether any injuries occurred during or as a result of restraint.

If a student resides in a foster or group home, notification will be made with the foster or group home parent.

Employees of Volusia County School Board (VCSB) do not utilize mechanical restraints or seclusion; however, the district does provide educational services at other sites where the agency operating the site may use these methods. In addition, students may be placed by an outside agency in a residential facility which uses mechanical restraints and/or seclusion. When an outside agency has placed a student in such a facility, the VCSB may be required to redirect FTE funds to the facility. Further, parents may choose to place their child in a contract school that uses these procedures. These schools and agencies are required to provide written notice, make reasonable attempts to contact the parent by phone and/or email, and to obtain and maintain the parent's signed acknowledgement of receipt of written notice. These schools or agencies may use their own forms and methods for documenting contacts.

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

The principal or designee will be responsible for preparing the written notice.

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

The day of the incident, the principal or designee will make reasonable efforts to contact the parent by telephone, in person, and/or email. These attempts are documented on the "Notification of Use of Manual Physical Restraint." Before a parent is contacted by email, Volusia County Schools' staff must email the parent to ensure that the email address is both private and appropriate for sending sensitive information. The parent's response is to be filed in the student's Exceptional Student Education (ESE) audit file.

If a student resides in a foster or group home, reasonable efforts to contact the foster or group home parent will be made.

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

The "Notification of Use of Manual Physical Restraint" contains an acknowledgement of receipt that the parent is asked to sign and return to the school. The signed acknowledgement is filed in the student's ESE audit file. If the signed acknowledgement is not received, the principal or designee will contact the parent to request its return. This contact will be documented on the "Notification of Use of Manual Physical Restraint." If the parent still does not return the signed acknowledgement, the process is repeated at least one more time.

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

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

The principal or designee is responsible for completing the incident report based on information provided by staff implementing the restraint, and, if different, staff knowledgeable of the student's behavior and situation leading up to the restraint. The incident report will be drafted within 24 hours of the termination of the restraint. If the termination of restraint occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens.

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

A copy of the final "Restraint Incident Report" will be mailed to the parent within three days of the incident of restraint. If the parent is present at the school, a copy of the report may be provided to the parent in person instead of mailing, and the parent will be asked to sign the acknowledgement of receipt of the report. A copy of the final "Restraint Incident Report" is also filed in the student's ESE audit file.

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

The form for the parent's signed acknowledgement is provided to the parent with the "Restraint Incident Report." When returned, this acknowledgement is filed in the student's ESE audit file. If the signed acknowledgement is not received, the principal or designee will contact the parent to request its return. This contact will be documented in the student's ESE audit file. If the parent still does not return the signed acknowledgement, the process is repeated at least one more time.

If services are provided at an alternate school or facility described in the previous section on page 4, question 1, that school or agency will be responsible for ensuring the documentation of any incident of restraint and/or seclusion and its reporting to the student's parent in accordance with the time lines above.

How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in the following?

- Charter schools
- DJJ facilities
- Contracted residential facilities

All charter schools and DJJ sites are monitored by the district in the same manner as other district schools. The same requirements for notification, reporting, and documentation apply to monitoring of these schools. Documentation samples of all steps of notification, reporting, and obtaining receipt of parent acknowledgement are obtained periodically and reviewed by district staff using the FLDOE Compliance Self-Assessment Protocol for Restraint and Seclusion. (This is conducted in addition to the FLDOE Self-Assessment process.) District staff conducts follow up with schools/facilities regarding any deficiencies.

At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Additionally, the principal and/or designee(s) monitor incidents of restraint monthly to identify problems, analyze trends, plan needed supports, and monitor/revise supports

when necessary. Data reports provided by the district and other information available at the school are used for this purpose. Information from the Florida Department of Education's web-based reporting system is also continually available to school administrators for monitoring.

At the district level a committee with representative membership meets on a monthly basis to review restraint data and incidents from across the district as well. Any trends or concerning patterns, etc. that are identified followed up on by the appropriate committee member (typically the program specialist assigned to the school). Following an initial contact with the school if needed a problem solving action plan including a schedule of classroom/student observations, training and/or consultation is developed with the program specialist and school representatives. Activities may include review of Non-violent Crisis Intervention components, review/revision of the student behavioral plan or the development of a school-wide and/or student crisis plan. These incidents are then revisited at subsequent committee meetings.

For district students who reside at Carlton Palms Educational Center, a residential facility, Carlton Palms' staff is responsible for the completion of documentation and reporting using forms located on the FLDOE website. Carlton Palms is responsible for providing the report to the parent/guardian, as well as obtaining parent/guardian acknowledgement, in accordance with FLDOE timelines. The completed "Restraint Incident Report" is mailed electronically to the VCS ESE/Student Services contact, in order to be entered on the FLDOE restraint reporting website. Documentation for these incidents is monitored in the same manner as charter schools and DJJ facilities.

## Part I. General Policies and Procedures

### Section A.5: District Procedures Related To Review of Data and Reporting Procedures (to include monitoring and training)

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

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

Data is collected and reported at the school level by the principal or designee as incidents occur. Each incident report is submitted electronically through the Florida Department of Education's web-based reporting system. A copy of each incident report is maintained in the student's ESE audit folder and is available to school and district staff working with the student.

At the district level a committee with representative membership meets on a monthly basis to review restraint data and incidents from across the district. Membership in this committee includes the ESE Assistant Director or designee, ESE program coordinators and program specialists, a behavior specialist and an invited school administrator. All concerns or questions that may arise regarding any incident or use of physical restraint are then followed up on by the appropriate committee member. When needed, a problem solving action plan including a schedule of observations, training and/or consultation is developed with the program specialist and school representatives. These incidents are then revisited at subsequent committee meetings.

At the district level, the director of ESE and Student Services or designee is responsible for collecting and reporting data from the schools. This data is reported to the Superintendent and/or designee(s) and school principals monthly.

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

The director of ESE and Student Services or designee is responsible for collecting and reporting data from the schools. This data is reported to the Superintendent and/or designee(s) and school principals monthly.

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

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

School data collection and reporting practices identified in letters a-f above will be monitored on an ongoing basis at the school level. Additionally, district ESE and Student Services staff will select a random sampling of records and monitor for compliance with practices identified in letters a-f above.

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



At the district level, a district monitoring committee appointed by the director of ESE and Student Services regularly monitors variables and trends related to the use of restraint across schools, programs, and classrooms. The monitoring committee develops and implements a plan of training and/or support for identified schools, classrooms, and/or programs. Monitoring also occurs at the classroom and school building levels.

At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Additionally, the principal and/or designee(s) monitor incidents of restraint monthly to identify problems, analyze trends, plan needed supports, and monitor/revise supports when necessary. Data reports provided by the district and other information available at the school are used for this purpose. Information from the Florida Department of Education's web-based reporting system is also continually available to school administrators for monitoring.

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

At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Additionally, the principal and/or designee(s) monitor incidents of restraint monthly to identify problems, analyze trends, plan needed supports, and monitor/revise supports when necessary. Data reports provided by the district and other information available at the school are used for this purpose. Information from the Florida Department of Education's web-based reporting system is also continually available to school administrators for monitoring.

At the district level a committee with representative membership meets on a monthly basis to review restraint data and incidents from across the district as well. Any trends or concerning patterns, etc. that are identified followed up on by the appropriate committee member (typically the program specialist assigned to the school). Following an initial contact with the school if needed a problem solving action plan including a schedule of classroom/student observations, training and/or consultation is developed with the program specialist and school representatives. Activities may include review of Non-violent Crisis Intervention components, review/revision of the student behavioral plan or the development of a school-wide and/or student crisis plan. These incidents are then revisited at subsequent committee meetings.

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

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

Nonviolent Crisis Intervention (NCI), from the Crisis Prevention Institute, Inc. (CPI) is the district-approved training for staff in the area of crisis intervention, which includes the use of restraint as well as the use of prevention and de-escalation techniques. Training in the use of seclusion is not provided, as district employees are not authorized to use this technique.

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

District staff members, certified as trainers by CPI, provide initial training as well as annual refresher trainings. Initial trainings are provided through face-to-face sessions, as well as limited hybrid trainings which combine face-to-face and online sessions.

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

Training records are maintained by the district's ESE Department as well as the Professional Development department.

In addition, a separate database of trained staff is maintained by the District ESE department. Participants who successfully complete initial and annual refresher training are provided CPI certification cards from the District.

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

Refresher trainings are required annually, and are offered through face-to-face sessions. At the refresher level, a range of specialized CPI topics is offered to provide more advanced training opportunities for staff.

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

Schools are encouraged to form centralized crisis intervention teams comprised of trained staff members. Teachers and paraprofessionals working in Separate Class Emotionally/Behaviorally Disabled (SC-E/BD), Multi-Handicapped Varying Exceptionalities (Multi VE), and Prekindergarten ESE (Pre-K ESE) programs, as well as behavior specialists, are required to obtain and maintain NCI certification, unless unable to complete the physical requirements of that certification. In such instances, staff members should not implement physical restraint, but are required to complete NCI training in preventative, de-escalation, and postvention techniques, resulting in a Volusia County Schools' Certificate of Completion rather than NCI certification. Training is available to other staff, as well, if necessary to meet student needs.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

Yes. All charter schools in the district which permit the use of restraint or seclusion use the district's crisis management program, Crisis Prevention Institute's Non-violent Crisis Intervention (CPI/NCI). The exception is the PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion.

If no, indicate by charter school the name of the crisis management program used?

## Part I. General Policies and Procedures

### Section A.6: District Plan Related to Reducing the Use of Restraint

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

In the text box below:

- a. Include the total number of incidents of **restraints** for the 2014-15 school year and the 2015-16 school year.
- b. Indicate the percentage of **increase** or **decrease** in the 2015-16 **rate**.
- c. Provide a rationale for the district's **increase** or **decrease** in incidents when comparing the data.
- d. Note whether or not the district attained the 2015-16 goal for rate reduction and the difference between 2015-16 percentage goal and the actual 2015-16 percentage rate.

In school year 2014-2015 Volusia County Schools preformed 342 restraints, and in school year 2015-2016 there were 240 restraints preformed. The District's cumulative data for 2015-2016 reflects a decrease of 30% which exceeded the District's goal of a 10% reduction in restraints. In school year 2015-2016, the district created a work group with the intention of monitoring restraint data at the building and individual student level. This group developed a process for strategically intervening on both levels. The district work group met monthly to determine individual needs at the building level, developed alternative methods for use in lieu of restraint, and provided training of systemic interventions to address schools with high incidents of restraint. District work group team members also met one-on-one with building level administrators to problem solve and discuss specific strategies to be used for individual students.

Does the district prohibit the use of restraint?

- ☐ Yes
- ☒ No

If the district allows the use of restraint, specify the district's measurable annual goal for the 2016-17 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

In the 2016-2017 school year, Volusia County Schools will reduce the number of restraints preformed by 5% by continuing to identify and implement systemic intervention in schools with high incidents of restraint and

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

☒ Yes

☐ No

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

---

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

---

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

☒ Yes

☐ No

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

---

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

---

Describe the following:

- Data reviewed from the 2015-16 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).
- How the data and the problem-solving process informed your district's plan.
- How the data and the problem-solving process determined the measurable annual goal for the reduction of **restraint** for the 2016-17 school year.

Monthly, the district restraint reduction work group reviewed the Restraint and seclusion data provided by the Bureau of Exceptional Education and Student Services (BEES).

Cumulative Percent Increase/Decrease from SY2015 to SY2016

Cumulative Number of Restraints By Year

Month August September October November December January February March April May June July

SY2015 22 62 126 157 181 230 259 292 321 339 341 342

SY2016 7 27 46 63 84 115 153 177 202 233 236 240

% -68% -56% -63% -60% -54% -50% -41% -39% -37% -31% -31% -30%

Additional data reviewed included BEES data regarding restraint incidents by district which disaggregates data by primary exceptionality, race/ethnicity, and restraint type.

District # of Incidents # of Students

Volusia 240 126

% Std. in PK-3 % Std. in 4-8 % Std. in 9-12

53% 37% 10%

% ASD % IND % EBD % SLD % Other Dis.

25% 11% 40% 8% 15%

% Black % 2 or More Races % White

33% 6% 61%

% Hispanic/Latino % Non Hispanic

9% 91%

% Fall 2015 SWD Pop	% of SWD Restrained	Immobilization while in
transport Mechanical	Prone Seated Stand	
10241	1.23%	3%
		11% (Out of District Site)
		0% 2% 84%

Supine  
0%

#### Crisis Management Strategy Used

- CPI-Crisis Prevention Institute: 45%
- PCM-Professional Crisis Management: 25%
- T.E.A.M.-Techniques for Effective Aggression Management: 3%
- TEACH-Techniques for Adolescent and Child Handling: 10%
- SCM- Safe Crisis Management: 3%
- VITAL- Violence Intervention Techniques and Language: 2%
- HWC - Handle with Care: 0%
- Other: 12%

The review of data allowed the district restraint reduction team to identify schools that had high incidents of restraint and specific students with high needs of intervention required. This allowed the team to personalize the supports and strategies provided to schools for the use of alternative methods school wide and for specific students. With a 30% reduction of restraints in one school year, the district restraint reductions team determined that there would be less reduction in the 2016-2017 school year. The team determined that it would be imperative to continue the supports to maintain the progress obtained in the 2015-2016 school year.

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

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

Describe the following:

- a. Activities that are a part of the district's plan to reduce the use of **restraint**.
- b. Resources that are a part of the district's plan to reduce the use of **restraint**.

The school district uses a number of system wide approaches to increase positive engagement for all students. Those program include:  
PBIS  
CHAMPS

**Part I. General Policies and Procedures****Section A.7: District Plan Related to Reducing the Use of Seclusion**

7. The district is required to have a plan for reducing the use of seclusion, particularly in settings where it occurs frequently. The plan must include a goal for reducing the use of seclusion and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
- a. Additional training in positive behavioral support and crisis management
  - b. Parental involvement
  - c. Data review
  - d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
  - e. Additional student evaluations
  - f. Debriefing with staff
  - g. Use of schoolwide positive behavior support
  - h. Changes to the school environment

In the text box below:

- a. Include the total number of incidents of **seclusion** for the 2014-15 school year and the 2015-16 school year.
- b. Indicate the percentage of **increase** or **decrease in** the 2015-16 **rate**.
- c. Provide a rationale for the district's **increase** or **decrease** in incidents when comparing the data.
- d. Note whether or not the district attained the 2015-16 goal for rate reduction and the difference between 2015-16 percentage goal and the actual 2015-16 percentage rate.

Volusia County School prohibits the use of seclusion.

Does the district prohibit the use of seclusion?

☒ Yes

☐ No

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2016-17 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

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

Who coordinates the inspection conducted by the Fire Marshal?

How is the safety of the seclusion rooms monitored?

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

---

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

---

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

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

---

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

---

When are the seclusion rooms used?

---

How are the seclusion rooms used?

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Describe the following:

- a. Data reviewed from the 2015-16 school year (which must include primary exceptionality and race or ethnicity of students **secluded**).
- b. How the data and the problem-solving process informed your district's plan.
- c. How the data and the problem-solving process determined the measurable annual goal for the reduction of **seclusion** for the 2016-17 school year.

---

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

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

Describe the following:

- a. Activities that are a part of the district's plan to reduce the use of **seclusion**.
- b. Resources that are a part of the district's plan to reduce the use of **seclusion**.

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**Part I. General Policies and Procedures****Section B.1: Assurances – Free Appropriate Public Education (FAPE)****Statutory and Regulatory Citations**

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646  
Chapters 468, 486, 490 and 491, F.S.  
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572,  
1006.03, 1011.62, 1012.32 and 1012.321, F.S.  
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

**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.

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

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

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

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

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

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

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

- ☒ Yes
- ☐ No

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

Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

One of the following **must** be selected

- ☒ Yes
- ☐ No



**Part I. General Policies and Procedures****Section B.2: Parental Input and Meetings****Parental Input and Meetings**

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

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

## **Part I. General Policies and Procedures**

### **Section B.3: Collaboration of Public and Private Instructional Personnel**

#### **Collaboration of Public and Private Instructional Personnel**

Section 1003.572, F.S., provides:

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

For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.

4. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

#### **Written Agreements**

1. The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A 6.0311, F.A.C., includes but is not limited to:
  - a. Designating responsibilities for the implementation of district procedures
  - b. Providing transportation
  - c. Providing program and staff supervision

d. Funding programs

e. Dissolving the agreement

2. Written agreements are on file for the provision of special education and related services **to this district's** exceptional students through multi-district programs.

☐ Yes

☒ No

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

--

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

☐ Yes

☒ No

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

--

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

☒ Yes

☐ No

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

Halifax Health Medical Center - Administrator, Exceptional Education Teachers, School Psychologist, School Social Worker, Speech and Language Clinician, Occupational and Physical Therapist, Behavior Specialist
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Pediatric Health Choice - Hospital Homebound Teacher Loads of Smiles - Hospital Homebound Teacher
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## **Part I. General Policies and Procedures**

### **Section B.4: Department of Juvenile Justice Facilities**

#### **Department of Juvenile Justice Facilities**

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

Sections 1002.42, 1003.01, 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.  
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

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

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

The incoming transition process at the Volusia Detention Center (short-term program up to 28 days-average stay is about five days) involves the on-site IEP Facilitator obtaining a copy of the student's IEP and related records from the previous school to ensure timely implementation of the IEP and the provision of FAPE. An IEP team meeting is scheduled as needed to ensure compliance (i.e., annual review is due).

Incoming transition process at G4S (12-18 month Level 8 program) involves the IEP facilitator contacting the previous school for current student data and any records needed. An IEP meeting is to occur within ten days of placement in program. The guidance counselor contacts the previous school for information regarding credits in order to develop an appropriate instructional plan.

Upon a student's exit from a program and subsequent transition, the on-site IEP facilitator notifies the receiving school or program to provide notification of a student's withdrawal. Original documents are sent to the zoned school.

The on-site IEP facilitator monitors district ESE reports and consults with the District Placement Specialist (DPS) as needed (and no less than two times monthly) to address evaluation reviews, case reviews, FCAT waivers, etc. The DPS ensures communication with appropriate support staff to ensure that the support services needed for each student are provided.

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

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

- a. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
- b. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility,

written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.

- c. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

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

### **Contractual Arrangements with Private Schools**

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

Section 1003.52, F.S.  
Rules 6A-6.0361, F.A.C.

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

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

#### **District Responsibilities**

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:

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

#### **Contents of Contract**

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:
  - a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.
  - b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.
  - c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.
  - d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.
  - e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.
  - f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

- g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.
- h. Identification of financial responsibility.
- i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
- j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.
- k. Provision for terminating the contract.
- l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

#### **Additional District Responsibilities**

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

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

## Part I. General Policies and Procedures

### Section B.5: Florida Educational Finance Program (FEFP) Funds

#### Florida Educational Finance Program (FEFP) Funds

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

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

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

#### Notes:

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

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

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

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

- ☒ Yes  
☐ No

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

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



Prior to the execution of any contract with a nonpublic school or community facility, such facility will make available to the Exceptional Student Education and Student Services (ESE/SS) Director, or designee, documentation necessary to indicate that the school or facility meets required criteria. This documentation may include, but is not limited to, appropriate sanitation and health certificates and fire inspections, instructional calendar and schedules, and policies regarding confidentiality.

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

Prior to the beginning of each school year, and in the event of a change in staff, the nonpublic school or community facility provides a list of personnel, along with social security numbers and certification credentials, to the ESE/SS Director, or designee. Information is forwarded to the Human Resources Department, where personnel records are created and maintained. Human Resources Department provides written notification to the schools of teachers who are out-of-field. The school sends a notification letter to the parents sharing that the student is being served by a teacher not currently certified in the area. The letter assures the parent that the teacher meets the State of Florida's teacher certification requirements and by accepting the out-of-field assignment, the teacher agreed to complete certain minimum, yearly requirements to work toward certification.

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 Florida Department of Education, Bureau of Exceptional Education and Student Services.

IEP's are maintained in the District ESE and Student Services office, with copies provided to the Department of Education annually, as part of the annual Report of Residential Contract Costs documentation.

**Part I. General Policies and Procedures****Section B.6: Limited English Proficiency (LEP) Students****Limited English Proficiency (LEP) Students**

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

## Part I. General Policies and Procedures

### Section B.7: Child Find

#### Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR 300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
  - a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

## **Part I. General Policies and Procedures**

### **Section B.8: Confidentiality of Student Records**

#### **Confidentiality of Student Records**

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

#### **1. Access rights**

- a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 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 years, 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; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

#### 8. Transition from Part C to Part B

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

#### 9. Funding formula

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

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

## **Part I. General Policies and Procedures**

### **Section B.9: Coordinated Early Intervening Services (CEIS)**

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

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

CEIS may be used for:

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

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

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

**Part I. General Policies and Procedures****Section B.10: National Instructional Materials Access Center (NIMAC)****National Instructional Materials Access Center (NIMAC)****Statutory and Regulatory Citations**

34 CFR §300.172

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



## Part I. General Policies and Procedures

### Section C.1: Exceptional Student Education Procedural Safeguards

#### Statutory and Regulatory Citations

34 CFR §300.500–300.536

Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.

Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

#### Procedural Safeguards

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

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

##### 1. Procedural safeguards for students with disabilities

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

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

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

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

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

##### 2. Procedural safeguards for exceptional students who are gifted

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

- Upon initial referral for evaluation
- Upon refusal of a parent's request to conduct an initial evaluation

- Upon notification of each educational plan meeting
- Upon receipt of a request for a due process hearing by either the school district or the parent

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

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

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a due process request, the request is filed with the Florida Division of Administrative Hearings. Exceptional Student Education and Student Services staff work in conjunction with assigned district counsel to communicate with the petitioner regarding associated timelines and the need to schedule a resolution meeting and/or mediation during the applicable timeframe and resolution period. Staff begin to coordinate calendars with relevant internal meeting participants as quickly as possible following any applicable initial communication with the petitioner.

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

34 CFR §§300.9, 300.300 and 300.503  
Section 1003.4282, F.S.

**Procedures**

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

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

**Requirements or Options 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 options in accordance with s. 1003.4282 (11), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

## **Part I. General Policies and Procedures**

### **Section C.3: Transfer of Parental Rights at Age of Majority**

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

34 CFR §§300.520 and 300.320

Chapter 744, F.S.

Section 393.12, F.S.

Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A-6.0361, and 6A-6.03311, 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 eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational 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 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 ; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth 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 take one of the following actions:
  - a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
  - b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
  - c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

## **Part I. General Policies and Procedures**

### **Section D: Surrogate Parents**

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

34 CFR §300.519  
Sections 39.0016 and 1002.22, F.S.  
Rule 6A-6.0333, F.A.C.

#### **Definition**

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

#### **Procedures**

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

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

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.
5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

☐ This section is not applicable for the district.

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

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, the district pursues appointment of a surrogate parent. Schools complete the Educational Surrogate Parent Checklist and Request for an Educational Surrogate Form. Schools send the completed documents to the district compliance office. The district compliance designee conducts an investigation to determine if the parental rights have been terminated, if the parents can be located, or if the court has appointed a Guardian Ad Litem. The investigation is conducted in collaboration with Community Partnership for Children. When all conditions are met, the surrogate parent is assigned by the District ESE/SS Compliance Specialist and the school is notified. Reasonable efforts to locate or contact the parent when applicable, vary based on the results of the investigation conducted.

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

The district works closely with community agencies, church groups, Community Legal Services, Circuit Courts and Guardian Ad Litem programs. The district hosts meetings to provide information about surrogate parents, the role of a surrogate for special education students and the district need for surrogates. The aforementioned groups work closely with district compliance designee providing names of individuals interested in becoming district surrogates for special education students. The district compliance designee contacts the interested individuals and implements the interviewing process. After identifying interested and qualified individuals for the surrogate position, the district compliance designee contacts the ESE/SS department and Human Resources Department to start the surrogate qualification process. Surrogate training is conducted on an individual basis by the district compliance specialist. When requested by the court system, group training is provided to the 5th Circuit Court Guardian Ad Litem program.

## Part I. General Policies and Procedures

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

#### Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

#### Definition

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

#### Procedures

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

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

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

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

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

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

A student enrolls in another school district after the timeframe has begun and the parent and subsequent school district agree to a specific time when the evaluation will be completed.

If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears®, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

3. Parental consent

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



#### 4. Transmittal of records

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

## **Part I. General Policies and Procedures**

### **Section F: Access to a Student's Public Benefits or Insurance**

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

34 CFR §300.154

Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

#### **Procedures**

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

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
  - a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
  - b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– 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. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
    - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
    - The purpose of the disclosure, such as the purpose of billing for services
    - The agency to which the disclosure may be made
    - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
  - e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
    - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
    - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.

- A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.
  - A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
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. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, 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.
  3. 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 Procedures**

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

34 CFR §§300.302, 300.306, and 300.308–300.310

Sections 1008.25 and 381.0056, F.S.

Rules 6A-6.03018, 6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

#### **Definitions**

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

#### **General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools.**

##### **1. Parent involvement in general education intervention procedures**

The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

##### **2. Observations of student in the educational environment**

The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

##### **3. Review of data**

The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

##### **4. Sensory screenings and diagnostic assessments**

- a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.
- b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.
- c. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

## 5. Implementation of evidence-based interventions

- The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
- The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
- Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
- The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.

## 6. General education interventions are not required for the following:

- Children younger than kindergarten-entry age who are not enrolled in kindergarten
- Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
- Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
- Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

☒ Yes

☐ No

If yes, how can this document or website be accessed?

The site may be accessed at the following: <http://myvolusiaschools.org/mtss/Pages/default.aspx>.

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? [Address the following in your response:](#)

- How frequently are Tier 3 interventions reviewed and monitored?
- [What factors does the problem-solving team consider in determining that the student may be a student with a disability?](#)
- [What is the decision criteria for initiating an evaluation?](#)

Since Volusia County Schools' data demonstrate that most of the district's struggling students have reading deficits, Systematic Instruction in Phonological Awareness, Phonics, and Sight Words (SIPPS) has been

adopted as a supplement to core instruction when assessments indicate the need for this explicit intervention. SIPPS has a progress monitoring tool embedded and hence students receiving instruction in SIPPS at their instructional level (below grade level) are progress monitored more frequently (i.e., weekly) than those students receiving SIPPS on grade level as part of their core instruction. Success Maker is used in the district's Title I schools for elementary students and provides progress monitoring data in real time based on student performance for this on-line instructional platform. Similarly, i-Ready is used in elementary and middle schools for Title 1 schools. The needs of secondary students are met through Read 180 and Math Space, both on-line programs that collect progress monitoring data in order to inform instruction within the computer-based program and for the classroom teacher(s). The intensity of the deficit indicates the frequency and scope of the intervention with the most intensive needs requiring the most frequent monitoring (weekly has been recommended in these cases).

With regard to behavioral needs, the district's electronic report has embedded a behavioral screening into the report cards for elementary students. In addition to using this platform to communicate behavioral performance to parents, data are mined quarterly, enabling teams to progress monitor individual and groups of students. While this tool is designed as a screening measure, students who are receiving behavioral interventions are monitored on a regular basis based on intensity of needs (e.g., daily, weekly, etc.). Two of the ways that secondary students are identified as needing further behavioral and/or mental health supports is through the district's Early Warning System (EWS) as well as through the district report Key Engagement Elements Profile (KEEP) report. The district and schools monitor systemic trends as well as identifying individual students on a number of behavioral variables including in-school suspensions, out of school suspensions, office discipline referrals, and Concern of Harm. Data collected suggests the need for more targeted supports (e.g., data suggesting frequent anger outbursts may lead to an intervention of Second Step, individual and/or group counseling). Response to the interventions at both the elementary and secondary level determine next steps (e.g., modification of interventions, a referral to the PST and possible subsequent evaluation for potential ESE consideration). Data mined through these processes (i.e., behavior screening in elementary report card, EWS and KEEP reports) guide the need for individual student supports, class (teacher) supports, or school supports.

The district's electronic Problem Solving Team (e-PST) system alerts school psychologists when the form linked to interventions and progress monitoring data is opened by a teacher or other educator. This enables school psychologists and others to monitor response to intervention/progress monitoring data as soon as it is entered to determine if a change in intervention may be needed and also enables fidelity checks.

How does the district monitor implementation and fidelity of the four step problem-solving process (problem identification, problem analysis, intervention development and intervention effectiveness)? [Address the following in your response:](#)

- [How problem-solving is documented](#)
- [Procedures for monitoring fidelity](#)

The four-step problem solving process is embedded in the district's MTSS framework, the Problem Solving Team (PST) process and has been cross-walked with the essential questions addressed in PLCs and hence is a "way of work" in the district. All teachers, administrators, school counselors, school psychologists and school social workers have access to the electronic Problem Solving Team (e-PST) system. Any educator can access a student record to "open" the problem solving process. The system was strategically designed to incorporate all 4 steps of problem solving with an explicit step being the documentation of intervention(s) and the monitoring of the response to the intervention(s). Standard protocol interventions have been identified and shared with schools to address alignment between the identified problem, analysis of the deficit, the intervention, and appropriate progress monitoring tool. When academic and/or behavioral problems are not ameliorated at this level, the educator makes an electronic request for PST assistance. A multi-disciplinary team then meets with the teacher to proceed through the 4 steps of problem solving and to determine next steps (e.g., modification of interventions, referral for a psychoeducational evaluation). The platform was created with a failsafe to prevent educators from moving straight to an evaluation request without proceeding through the 4 step problem solving process. In addition, the electronic process enables transparency and allows district personnel and school leadership to monitor the implementation and fidelity of the process. In addition, educators can monitor what has been identified as the intervention(s) and progress monitoring and as a result, have "look fors" during observations, walk throughs, etc. With regard to selection of interventions, a district ELA team as well as a team addressing behavior and social-emotional supports

have developed decision-making tools to determine which interventions are appropriate for specific problems (e.g., an identified deficit in phonological awareness coupled with a deficit in oral reading fluency would lead to a specific intervention as identified on the ELA decision making tool).

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) [Address the following in your response:](#)

- [How information is disseminated explaining the school's multi-tiered system of supports \(global awareness\)](#)
- [Procedures/policies for including parents in problem solving](#)
- [Frequency and format for sharing data on the student response to intervention with parents](#)
- [When and how parents are notified of their right to request an evaluation](#)

An explicit component of the district's Problem Solving Team (PST) process includes at least two contacts with parents prior to a teacher being able to request a formal PST meeting. This process ensures that parents are aware of academic and/or behavioral concerns prior to a PST meeting occurring. If problems continue despite the implementation of interventions and PST assistance is requested, the parents are invited by letter (available in English and Spanish) to the PST meeting. Parents have access via the district's website to documents that describe the PST process to parents, their role on the team, and their right to request an evaluation. Furthermore, the district's MTSS site contains a parent information brochure on MTSS and describes the problem solving process and how parents can get involved. Parents are encouraged to monitor their child's progress through the Parent Portal which includes on-going information regarding student performance on demand. When a student's response to intervention or parent request leads to an evaluation, academic and behavioral performance is shared with parents graphically. As the district moves forward with the acquisition of a new Student Information System (SIS), consideration will be given to platforms, as available, that enable teachers to enter intervention data, response to intervention data to be frequently monitored, and access to parents of their child's data. Currently, a parent portal enables parents to monitor their child's progress in real time. Efforts have been made to ensure that the MTSS website and the parent resources on the PST site (including specifics on how to request an evaluation for their child) are readily accessible to parents. In addition, a "Parent University" which is held annually in the district and district "Fact Fairs" held throughout the district, include information for parents on MTSS, PST and a parent's right to request an evaluation. Information will be provided to schools to be posted in parent newsletters that reiterate information regarding MTSS, the PST process and steps for parents to request an evaluation.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
  - 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.

## **Part I. General Policies and Procedures**

### **Section H.1: Initiating an Evaluation for Exceptional Student Education**

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

34 CFR §§300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

#### **Definition**

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

#### **Procedures for Initiating an Evaluation**

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school- district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

- a. Obtain consent for the evaluation; or
- b. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations:



- a. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
- b. The evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
- c. 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

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

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

The district's Problem Solving Team (PST) process captures the required procedures identified in Rule 6A-6.0331 as well as required activities for specific programs, with the exception of gifted. Data that documents the student's response to interventions are collected at reasonable intervals over time following the determination of baseline data. Teachers and professionals monitor the response to intervention in order to modify the interventions for students whose responses are not sufficient to close the achievement or behavioral gap. The level of support needed to sustain growth is identified as a critical component to determine the need for further evaluation and services.

Prior to the request for Problem Solving Team assistance, the teacher and relevant professionals complete required activities. These activities include review of records, parent contacts and staff consultations, observations, and the development and implementation of an intervention plan. Typically, the district's PST process recommends 5 data points to be collected following baseline for at least 5 weeks of interventions prior to the request for an evaluation. If interventions have been implemented with fidelity and data indicate that the student continues to make insufficient progress, the teacher should request Problem Solving Team assistance. The Chair of the school-based PST schedules the PST meeting with the teacher, relevant educational professionals, and the parents. The PST Chair obtains the PST paperwork from the teacher(s) and utilizes the response to intervention information as part of the problem solving process during the PST meeting.

Data discussed at this meeting within the context of the district's problem solving model is used in part to determine if a referral for evaluation is appropriate.

Personnel that comprise the PST team includes the PST Chair, classroom teacher, school psychologist, school counselor, school social worker, school administrator, and other professionals as needed. The parent is always encouraged to be in attendance and involved with the process.

In the event that the Problem Solving Team and/or parent determine that further evaluation is warranted, consent for screenings and formal evaluation is obtained. Screenings are completed by the appropriate school-based personnel responsible for those activities and are completed prior to the processing of a referral for evaluation. Interventions continue while the evaluation is pending.

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

Nonpublic schools and agencies are held to the same standards for completing the PST process as are public schools within the district; however, may not require general education interventions. Personnel responsible include the classroom teacher, school administrator, and other relevant school-based personnel available at the school site. Nonpublic schools are invited annually to training sessions to learn about the PST process and how to access research-based interventions. In addition, questions that arise from nonpublic schools and agencies regarding the referral process for students suspected of a disability or who may be gifted are answered within a reasonable

timeframe by personnel from School Psychological Services or other departments as appropriate. The completed referral for evaluation, once received by School Psychological Services, will be assigned to the school psychologist assigned to the student's zone school.

The procedures for screening and referral of students who may be gifted are the same as the procedures for the screening and referral of students enrolled in public schools within the district. When the referral is complete, the screening forms, referral and parental consent will be submitted to the School Psychological Services department. The referral will be assigned to a school psychologist for completion.

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

Students ages 3-21 who have never been enrolled in school shall be referred to the Child Find Specialist to complete the appropriate activities and the referral documents.

Parents who are educating their child at home may request a psychoeducational evaluation for their children. The referral process for homeschooled students is the same as for those students who attend public schools; however, may not require general education interventions. The parent or parent's designee is responsible for collecting the necessary information regarding observations, review of records, consultation with others and interventions. The Home Education department supports the parent and reviews the strategies and interventions being implemented. It is the obligation of the district to provide an evaluation or otherwise notify the parents via a Notice of Refusal of the intent not to evaluate. It is the district's responsibility to assist the parent of a student suspected of having a disability in providing documentation of activities conducted prior to referral.

Screening activities (i.e., hearing, vision, speech and language) are to be completed by the student's zone school. The Home Education Department will help facilitate this process by working directly with the zone school as needed. As necessary, the Home Education department will facilitate a Problem Solving Team meeting with the parents of the home schooled student in order to proceed through the process. Other relevant personnel (e.g., school psychologist and social worker) may be invited to this meeting as deemed appropriate. Upon the receipt of a completed referral for evaluation in the School Psychological Services department, the referral will be assigned to the school psychologist assigned to the student's zone school. Requests for social histories will also be processed through the School Social Services department and assigned accordingly. Requests for other requested evaluations will be directed toward appropriate departments by the Home Education Department.

☐ This section is not applicable for the district.

## **Part I. General Policies and Procedures**

### **Section H.2: Conducting Student Evaluations and Reevaluations**

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

34 CFR §§300.131 and 300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

#### **Definitions**

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

#### **Procedures for Evaluation**

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

2. Evaluation timelines

- a. As of July 1, 2015, the school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:
  1. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;
  2. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and
  3. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.
- b. For a signed consent for evaluation received by a school district on or before June 30, 2015, the school district shall ensure that initial evaluations of students suspected of having a disability are completed within 60 school days (cumulative) as defined in rule 6A-6.03411(1)(h), F.A.C., of which the student is in attendance, after the school district's receipt of the parental consent for evaluation. For prekindergarten children, initial evaluations must be completed within 60 school days after the school district's receipt of parental consent for evaluation.
  - 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.
- c. The 60-day timeline for evaluation does not apply if:
  - The parent repeatedly fails or refuses to produce the student for the evaluation
  - A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

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

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

- a. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411 (2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

Once consent for evaluation is received and the referral packet indicates that the student meets criteria for formal evaluation, the date is noted in a database and the referral packet is provided to the school psychologist. The database is monitored by the Coordinator of School Psychology to ensure that the gifted referrals are completed in a timely manner, and are completed within 90 school days that the student is in attendance.

☐ This text box is not applicable for the district.

### 3. Parent consent

- a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

- b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.
- c. Based on 34 CFR §300.300(a)(2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:
  - The school district cannot discover the whereabouts of the parent,
  - The rights of the parent have been terminated, or
  - The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

- 1. A biological or adoptive parent of a student
  - 2. A foster parent
  - 3. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)
  - 4. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare
  - 5. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- d. 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.
  - e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

#### 4. Evaluation procedures

- a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:
  - 1. Review existing evaluation data on the student, including:
    - Evaluations and information provided by the student's parents,
    - Current classroom-based, local, or State assessments and classroom-based observations, and
    - Observations by teachers and related services providers.
  - 2. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student
- 3. The group conducting this review may do so without a meeting.
- 4. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.
- 5. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:
  - That determination and the reasons for the determination; and
  - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.
- 6. In conducting an evaluation, the school district:
  - Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
  - Does not use any single measure or assessment as the sole criterion 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 and procedures used to assess a student:
  - Are selected and administered so as not to discriminate on a racial or cultural basis
  - Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
  - Are used for purposes for which the measures are reliable and valid
  - Are administered by trained and knowledgeable personnel in accordance with any 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 and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.
- e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and

motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A [Web-based Evaluation Resource](http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html) developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at [http://sss.usf.edu/resources/topic/ese/ESE\\_Eval/General/General.html](http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html).

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.
6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of an initial evaluation, copies of information pertaining to the components that have been completed are provided to the District Placement Specialist (DPS) assigned to the student's school. DPS conduct all initial eligibility meetings and are responsible to support school-based teams in meeting compliance requirements. A meeting to determine eligibility is scheduled as soon as possible given all required eligibility team members' availability, while providing sufficient notice to the parent to assist in ensuring their participation. The DPS work to case review the information with appropriate staff when applicable, discuss all available data sources, and ensure that team members are prepared to discuss these data sources during the eligibility meeting.

### **Procedures for Reevaluation**

1. Reevaluation is required in the following circumstances.
  - a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. **Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.**
  - b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
  - 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 of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
  - e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
  - f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
    - Nonprofit private schools located within the district
    - For-profit private schools and are residents in the district
    - Home education

2. Reevaluation procedures

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

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

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

- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. The following rules require the administration of specific assessments as a part of a student's reevaluation:
  - Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
  - Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
  - Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

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

### 3. Parental consent when additional data are needed

- a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.
- b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

### 4. Reevaluation timelines

- a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.



- b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.
- c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

Triennial reevaluation due dates are tracked and monitored by the DPS. DPS assist in reviewing guiding questions with IEP teams to determine whether additional information is needed at least every three years to establish whether a student continues to meet eligibility criteria for ESE services. If it is determined that additional information is needed to make this determination, parental consent is obtained and the reevaluation is conducted within a reasonable timeframe. The DPS schedule a meeting in advance of the completion of the reevaluation to ensure the convening of the IEP team to review the reevaluation results, data, or other information. If reevaluation information is needed more frequently than every three years in educational planning for the student, parental consent is obtained to conduct this process at a more frequent interval.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

The request for reevaluation is provided to the evaluator by the District Placement Specialist following the reevaluation meeting. If consideration of existing data is requested, the data is considered during the next IEP team meeting. When other information is requested (e.g., updated cognitive measure or behavioral ratings), the request is monitored in a district database by the Coordinator of School Psychology to ensure timeliness of the response.

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

Upon receipt of a request for a reevaluation, the DPS will obtain parental consent for the reevaluation to be completed during the context of an IEP team meeting. At times, such consent is obtained during a resolution session as deemed necessary. In extenuating circumstances when a student has been evaluated multiple times and a reevaluation does not appear to provide educational benefit for the student, a reevaluation request may be reviewed with the district ESE compliance office for further assistance to initiate a Prior Written Notice of Refusal. If the parent refuses to meet in a timely manner, a reevaluation meeting will be convened, and a consent for reevaluation form indicating what assessments will be administered based on the IEP team's review of data will be provided to the parent, or a Prior Written Notice of Refusal, if applicable.

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

If the IEP team recommends an assistive technology assessment then the team completes the reevaluation documentation seeking informed parent consent. Reasonable attempts are made to seek informed parental consent if the parent did not attend the IEP meeting. If the parent fails to respond to the reasonable attempts then the reevaluation process for assistive technology assessment is initiated. The 60 school-day timeline will commence. A copy of the consent for evaluation form and the Request for Volusia Adaptive Assistive Technology Team (VAATT) Assessment form will be sent to the VAATT office. Tracking for the 60-day timeline will begin using the date of the IEP meeting, and will be tracked using the VAATT database. After the assessment is completed within the 60 school-day timeline, the VAATT assessment report will be

provided to the District Placement Specialist and an IEP meeting will be convened to discuss the results and make plans for implementation, including any necessary device trials or training.

5. Determination of continued need for special education 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 special education 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 special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
- c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

## **Part I. General Policies and Procedures**

### **Section I: Independent Educational Evaluations**

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

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

#### **Definition**

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

#### **General**

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

10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

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

When a parent requests an IEE (verbal or written) the designee contacts the district compliance office. The district compliance office designee contacts the parent to discuss the request and reviews the student's records. The parent is entitled to only one IEE at public expense each time the district conducts an evaluation. If the parent disagrees with the evaluation, the district must, without unnecessary delay, either:

1) Agree to fund the IEE at public expense,

a) If the district agrees to fund the IEE, the parent/guardian will receive a letter from the compliance office with a list of three or more private evaluation specialists within Volusia County for their selection, and the agency criteria applicable for IEEs

b) When the parent responds with a choice or their suggestion(s) for district consideration, the district compliance office drafts a memorandum of agreement with the private evaluator,

c) After receiving the signed memorandum of agreement, the compliance office informs the parent/guardian,

d) Upon district receipt of the completed IEE, an IEP meeting would be scheduled, or

2) Request a due process hearing to show that the district evaluation was appropriate

a) The district compliance office would provide the parent/guardian with a Prior Written Notice.

b) The district compliance office would contact Chief Counsel's office to initiate the Due Process request.

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

When the district compliance office receives the IEE from the private evaluator or the district placement specialist, a copy of the IEE is sent to the district coordinator for psychological services to review. Next, the district placement specialist conducts a case review with the school designee(s) and establishes a date for the IEP meeting with the parent. A mutually agreed upon date is determined between the school and parent. During the IEP meeting the committee reviews the IEE and all current data to recommend the appropriate special education and related services based on the student's needs. The IEP meeting takes place within a timely manner.

## **Part II.**

### **Policies and Procedures for Students with Disabilities**

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

### **Section A: Instructional Program**

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

Rule 6A-6.03411, F.A.C.

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

#### **Philosophy**

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

#### **Curriculum**

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

#### **Instructional Support**

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

Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

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

### **Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder**

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

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03023, 6A-6.0331 and 6A-6.03411, F.A.C.

#### **Definition**

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

#### **Eligibility Criteria**

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

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in rule 6A-6.03411(1)(kk), F.A.C.

#### **Student Evaluation**

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

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



1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.
2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

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

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

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

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

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

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

34 CFR §§300.8, 300.34, and 300.113

Sections 1003.01(3), 1003.55, and 1003.57, F.S.

Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

#### **Definition**

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

#### **Eligibility Criteria**

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

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

#### **Student Evaluation**

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

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

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

### **Student Reevaluation**

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

### **Qualified Evaluators**

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

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

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
  - a. Residual hearing
  - b. Speech reading
  - c. Manual communication systems
  - d. Speech
  - e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and

interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.

7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

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

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

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

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

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

#### Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21

Sections 1003.01, 1003.21, and 1003.57, F.S.

Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

#### Definitions

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

#### Eligibility Criteria

1. For a child three through five years of age

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

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

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

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

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

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

### **Child Evaluation**

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

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
  - a. Florida Diagnostic and Learning Resource Center or the district's developmental screening results indicate that the child, three years to kindergarten- entry age, is a child with a disability and needs special education and related services.
  - b. A parent requests an evaluation and there documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
  - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent (s); or
  - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
  - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

### **Continued Eligibility for ESE Services**

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

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

1. For a child three through five years of age
  - a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
  - b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

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

- a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
- b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

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

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

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

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

### **Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired**

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

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324  
Chapters 458 and 463, F.S.  
Sections 1003.55, 1003.57, and 1003.575, F.S.  
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

#### **Definition**

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

#### **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 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;
- 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 rule 6A-6.03014(3)(a), F.A.C.; **or**
- e. Functional blindness;

and

2. One or more of the following hearing impairments:

- a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
- b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
- c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
- 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; **or**
- e. Functional hearing loss;



and

3. The student demonstrates a need for special education.

**OR**

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

### **Student Evaluation**

In addition, to the procedures defined in rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida  
in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with paragraph 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

### **Student Reevaluation**

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
  - a. A functional vision evaluation;
  - b. A functional hearing assessment;
  - c. An assessment of social development;
  - d. An evaluation of receptive and expressive communication by a speech and language pathologist;
  - e. A learning media assessment;
  - f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
  - g. 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.

### **Qualified Evaluators**

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment:

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

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's registry of students with dual-sensory impairments.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
  - a. Residual hearing
  - b. Speech reading
  - c. Manual communication systems
  - d. Speech
  - e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students.

However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.

8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

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

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

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

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

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

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

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03016 and 6A-6.0331, F.A.C.

#### **Definition**

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

#### **Evidence-Based Interventions in General Education**

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

#### **Eligibility Criteria**

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

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

4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.
5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
  - a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
  - b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
  - c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

### **Student Evaluation**

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

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

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

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

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

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

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

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

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

☐ This section is not applicable for the district.

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

34 CFR §§303.21 and 303.300  
Sections 1003.01, 1003.21, and 1003.57, F.S.  
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

#### **Definition**

An infant or toddler 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. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

#### **Eligibility Criteria**

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

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

#### **Continued Eligibility**

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

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

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

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

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

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

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

#### **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 Chapter 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.

#### **Procedures for Providing an Individual Educational Plan (IEP)**

1. The IEP shall be developed or revised prior to assignment to the homebound or hospitalized program placement.
2. A student may be alternatively assigned to the homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP team in accordance with the requirements of Rule 6A-6.03028, F.A.C.

#### **Instructional Services**

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or computer devices. When the IEP team determines that instruction is by telecommunications or computer devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.

☐ This section is not applicable for the district.

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

34 CFR §300.115

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, 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 Chapter 458 and Chapter 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; and
  - c. That the student will be able to participate in and benefit from an instructional program.
2. The student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature.
3. The student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
4. The student is in kindergarten through twelfth grade and is enrolled in a public school prior to the referral for homebound or hospitalized services, unless the student meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, and 6A-6.03027, F.A.C.
5. A parent, guardian, or primary caregiver signs parental agreement concerning homebound or hospitalized policies and parental cooperation.
6. The student demonstrates a need for special education.

### **Students Receiving Treatment in a Children's Specialty Hospital**

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

By August 15, 2016, district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

- ☐ Yes  
☐ No  
☒ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

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

One of the following **must** be selected

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

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

### **Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities**

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

34 CFR §300.8  
Chapter 490, F.S.  
Sections 1003.01 and 1003.57, F.S.  
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, 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 or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.
- e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

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

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

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

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

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

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

34 CFR §300.8  
Chapters 458 and 459, F.S.  
Sections 1003.01 and 1003.57, F.S.  
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

#### **Definition**

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

#### **Eligibility Criteria**

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

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

#### **Student Evaluation**

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

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

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

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

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

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

### **Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment**

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

34 CFR §300.8  
Chapters 458 and 459, F.S.  
Sections 1003.01 and 1003.57, F.S.  
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

#### **Definition**

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

#### **Eligibility Criteria**

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

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

#### **Student Evaluation**

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

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

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

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

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

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

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

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

34 CFR §300.8  
Chapters 458 and 459, F.S.  
Sections 1003.01 and 1003.57, F.S.  
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

#### **Definition**

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

#### **Eligibility Criteria**

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

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

#### **Student Evaluation**

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

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

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

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

☒ There is no additional information for this section.



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

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

#### Statutory and Regulatory Citations

34 CFR §300.8

Section 1003.57, F.S.

Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

#### Definition

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

#### Eligibility Criteria

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

1. Evidence of specific learning disability

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

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

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

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

- ☒ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.
  - ☐ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.
- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:
- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.
- c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:
- A visual, hearing, or motor disability
  - Intellectual disability
  - Emotional or behavioral disability
  - Cultural factors
  - Irregular pattern of attendance or high mobility rate
  - Classroom behavior
  - Environmental or economic factors
  - Limited English proficiency
2. The student demonstrates a need for special education.

### **Student Evaluation**

The evaluation procedures shall include the following:

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

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

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

### **Procedures**

#### **1. General education intervention procedures and activities**

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

#### **2. Members of the group determining eligibility**

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

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

#### **3. Documentation of determination of eligibility**

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

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning
- c. The educationally relevant medical findings, if any
- d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:
  - Performance discrepancy

The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

- Rate of progress

When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

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

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

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Students suspected of having a specific learning disability are referred to their school's Problem Solving Team (PST). The team, with the involvement of the parent, identifies the targeted interventions to be implemented, the progress monitoring tool(s) to be used, and the length of time the intervention will be in place before reviewing progress. This information is captured within the electronic PST system. If after a reasonable time the intervention provider, teacher or parent determines that the student has not made sufficient response to intervention based on pre-established goals, the team reconvenes and may determine that an evaluation for special education is warranted. The school psychologist presents the information collected throughout the PST process which includes the student's response to intervention. This information is presented as part of the comprehensive evaluation (which also includes a standardized achievement measure). The adequacy of the student's response to intervention is determined by the discrepancy between the student's rate of growth and expected growth/goals, as well as by comparison of performance to peers (which may include the intervention group, class, school, district, state, and national comparison groups). Goals are determined in part by what can be expected growth based on the severity of the deficit as well as by expected general outcome measures as determined by benchmarks and Florida Standards. A graphic representation of the student's response to intervention is included as a key component of the psychoeducational reports for students being considered for possible SLD eligibility.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

Parents are invited and encouraged to attend the Problem Solving Team (PST) meetings that involve their children. An explanation for parents describing the PST meeting is posted on the parent link on the district's PST website to prepare parents for the meeting. Each school follows a scripted problem-solving process to ensure educational jargon and acronyms are avoided or minimized to promote parent understanding. While parents can access important "real time" educational data continuously through the Parent Portal, the Problem Solving Team meets as needed and by parent request. Information is shared in a graphic format and includes the student's expected performance, the actual performance, and trend line.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Data obtained during on-going progress monitoring can include various sources (e.g., FAIR, QPA, DIBELS, unit assessments), that have been strategically linked to interventions. The pairing of progress monitoring tools to interventions and benchmarks increases the likelihood that the specific deficit will be targeted and monitored appropriately. LEP students are identified at the onset of the process and when deemed appropriate, are assessed in their native language and/or are administered evaluations that demonstrate their language proficiency in English. Data available through district electronic platforms determine whether the deficit is a "learner" problem or if large numbers of students have similar deficits, thereby suggesting an instructional or curricular issue. All school administrators, PST chairs, and teachers have been trained on data-based decision making using the "ICEL" (i.e. instruction, curriculum, environment, learner) decision rule. Furthermore, students being considered as a student with a specific learning disability are administered a nationally normed individual achievement test by a school psychologist in order to consider data from a comparison group beyond local norms when determining eligibility.

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

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

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

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

### **Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments**

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

34 CFR §§300.8, 300.34, and 300.306  
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.  
Chapters 458, 459, and 468, Part I, F.S.  
Rules 6A-4.01761, 6A-6.03012 and 6A-6.0331, F.A.C.

#### **Definitions**

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

#### **Eligibility Criteria**

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

##### **1. Speech sound disorder**

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

- a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
- b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
- c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

- d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

## 2. Fluency disorder

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

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

## 3. Voice disorder

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

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

## 4. The student demonstrates a need for special education.

### **Student Evaluation**

The provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:
  - a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
  - b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
  - c. An examination of the oral mechanism structure and function.

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

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

1. Speech services
  - a. A group of qualified professionals determining eligibility under requirements of this rule and subsection 6A-6.0331(6), F.A.C., must include a speech-language pathologist. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech



services, whether as special education or as a related service for an otherwise eligible student with a disability.

- b. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.
- c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.

## 2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to:

<http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf>.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

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

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

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

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

### **Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments**

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

34 CFR §§300.8, 300.306 and 300.34  
Chapter 468, Part I, F.S.  
Sections 1003.01 and 1003.57, 1011.62 and 1012.44, F.S.  
Rules 6A-1.09401, 6A-4.0176, 6A-6.0331 and 6A-6.030121, F.A.C.

#### **Definitions**

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

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

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

#### **Eligibility Criteria**

1. For prekindergarten children

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

- a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
  - i. Listening comprehension
  - ii. Oral expression
  - iii. Social interaction
  - iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)
- b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

- c. Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section above, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section above. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
- d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

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

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
  - i. Oral expression
  - ii. Listening comprehension
  - iii. Social interaction
  - iv. Written expression
  - v. Phonological processing
  - vi. Reading comprehension
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in the previous paragraph when using a process based on the student's response to scientific, research-based intervention.
- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:
  - i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
  - ii. Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section above, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section above. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
  - iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

- iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.
- d. The group determines that its findings under section 2.a) above are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

### **Documentation of Determination of Eligibility**

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

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

the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

### **Student Evaluation**

#### **1. Children in prekindergarten**

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

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

#### **2. Students in kindergarten through Grade 12**

The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include the following:

- a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:
  - i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.
  - ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.
  - iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.
  - iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).
  - v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.
- b. With the exception of at least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

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

1. A group of qualified professionals determining eligibility under requirements of this rule and subsection 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
4. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.
5. Speech-language associate
  - a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
  - b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
    - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
    - The rationale for using this model
    - The manner in which the associate will be required to demonstrate competency
    - The process for monitoring the quality of services
    - The process for measuring student progress
    - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

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

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

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

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

34 CFR §§300.8, 300.34, 300.172, and 300.324  
Sections 1003.55, 1003.57, and 1003.575, F.S.  
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

**Definition**

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

**Eligibility Criteria**

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

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

**Student Evaluation**

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye; and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate.
2. For children birth to five 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 IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the DBS may occur for students eligible for DBS services, with parent participation and agreement.

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

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

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



**Part II. Policies and Procedures for Students with Disabilities****Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service****Statutory and Regulatory Citations**

34 CFR §300.34

Chapter 468, Part III, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 6AB-11, F.A.C.

**Definitions**

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

**Determination of Need for Occupational Therapy**

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

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

**Student Assessment**

Prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and 6A-6.03411(1)(dd)3.f., F.A.C.

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

1. When the IEP, EP, or IFSP is being reviewed for a student who is receiving occupational therapy as a related service, the licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team.
2. Occupational therapy may be provided by either a licensed occupational therapist or a licensed occupational therapy assistant in accordance with the provisions of s. 468.203, F.S. The occupational therapy assistant is supervised by the licensed occupational therapist. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

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

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

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

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

34 CFR §300.34

Chapter 486, F.S.

Sections 1003.01 and 1003.57, F.S.

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

**Definitions**

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

**Determination of Need for Physical Therapy**

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

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

**Student Assessment**

Prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

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

1. When the IEP, EP, or the IFSP is being reviewed for a student who is receiving physical therapy as a related service, the licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team.
2. Physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant in accordance with the provisions of s. 486.021, F.S. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist. The physical therapist shall be accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care, and shall be within the same geographic location as the assistant. The supervising physical therapist should provide both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

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

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

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

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

### **Section C: Individual Educational Plan**

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

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503

Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.

Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

#### **Definition**

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

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

#### **Procedures**

##### **1. Role of parents**

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

- a. Providing critical information regarding the strengths of their student
- b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE
- c. Participating in discussions about the student's need for special education and related services
- d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments
- e. Participating in the determination of what services the district will provide to their student and in what setting
- f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

##### **2. Parent participation in IEP team meetings**

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

- a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:
  - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
  - The meeting is scheduled at a mutually agreed upon time and place

- b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.
- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
  - Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
  - The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

- c. No later than the first IEP to be in effect when the student attains the age of 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 and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:
- Detailed records of telephone calls made or attempted, and the results of those calls
  - Copies of correspondence sent to the parents and any responses received
  - Detailed records of visits made to the parents' home or place of employment, and the results of those visits
- g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 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 and career 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 and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered
  - h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services
  - i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services
  - j. The district will determine the specific personnel to fill the roles under b) through e) above
4. IEP team member excusal
- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
  - b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

- c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting:

School IEP Case Manager  
School IEP Facilitator  
District Placement Specialist  
District Compliance Specialist

- d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

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

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

6. IEP timelines

Timelines for IEPs include the following:

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

7. Considerations in IEP development, review, and revision

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

- a. Strengths of the student and concerns of the parents for enhancing the education of their child
- b. Results of the initial or most recent evaluation or reevaluation
- c. As appropriate, results of the student's performance on state or districtwide assessments
- d. Academic, developmental, and functional needs of the student
- e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior
- f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP
- g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student



- h. The communication needs of the student
- i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at <http://www.flrules.org/Gateway/reference.asp?No=Ref->) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.
- j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE
- k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.
  - Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
  - ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
  - Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Steps for considering ESY are embedded within the IEP system to ensure consideration of need occurs at the required frequency. Decisions are based on multiple factors when determining student need for ESY including, but not limited to, regression, recoupment, substantial regression, emerging skills, significant jeopardization of skills, and any other relevant factors specific to the student's individual needs. An ESY Determination page assists to guide the IEP team's discussion regarding whether or not a student needs ESY to provide a FAPE. If ESY services are warranted, an Instructional Plan is developed to guide the implementation of any relevant ESY services.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

Information is provided through face-to-face meetings with staff who are responsible for facilitating IEP meetings to ensure staff are aware that there is no unilateral decision-making procedure in the district precluding or prohibiting certain types of ESY services for specific groups of students, and that, all decisions are made based on the unique and individual needs of the students. For assistance with determining unique delivery options or specific methodology of ESY services, consultation with appropriate ESE & Student Services staff (compliance and/or

program staff) may occur to assist in supporting an IEP team's discussion regarding how services will be implemented.

- I. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect

#### 8. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide standardized assessments 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 the Florida Alternate Assessment instead of other statewide standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.
- 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. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

- a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:
  - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
  - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
  - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.
- b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:
  - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
  - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
  - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
  - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.
- d. Beginning at least one year before the student's eighteenth 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.
- e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.
- f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional

performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

1. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

2. Definitions from rule 6A-1.09963, F.A.C.

- a. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.
- b. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.
- c. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.
- d. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

3. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with rule 6A-1.09441, F.A.C.

- a. Eligible CTE courses, as defined in rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with rule 6A-1.09441, F.A.C.
  - b. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.
  - c. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
  - d. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.
4. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with rule 6A-1.09441, F.A.C.
    - a. Eligible CTE courses, as defined in rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with rule 6A-1.09441, F.A.C.
    - b. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.
    - c. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.
  5. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
  6. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

- a. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
  1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.
  2. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
  3. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.
- b. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

## 12. Separate parental consent for specific actions included in an IEP

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

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

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: <http://www.fldoe.org/ease/>. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

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

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

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

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

The district completed the BPIE.

Date completed (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

The district completed the BPIE Indicator Tally Rating Process on March 4, 2016. BPIE action plan was developed on March 26, 2016.

The anticipated date for the triannual BPIE assessment, if known.

Exact date of the triannual BPIE assessment is not known at this time but will be completed prior to June 30, 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- 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. 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.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If

your district contracts with another district to provide a placement option, please indicate this as well.

The district provides a continuum of alternative placements ranging from the general education setting with supports to separate classes and instruction in the home and/or hospital. Time with nondisabled peers and how this time aligns with the continuum of placement options (e.g., general education, resources, separate class, etc.) is calculated based on the total time within the school week and is evident on the IEP. Homebound or Hospitalized (H/H) services are offered and provided for students who meet eligibility criteria and are provided in different formats depending on student need. ESE services may be provided by an H/H teacher or other service provider, face-to-face, may be accomplished virtually, or via a combination of face-to-face instruction and service via technology. Home instruction may also be identified as a need for a student in extenuating circumstances. For any student receiving home instruction, transition to a school campus or program remains a high priority and consideration to ensure that students only receive home instruction for the duration necessary based on student need. The intensity and type of supports provided varies based on individual educational and programmatic needs of students in any setting on the continuum. Per Florida's requirements, funds are redirected to Carlton Palms residential facility for students who are placed by agencies.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

The placement, as well as needed supplementary supports and services, is determined by each student's individual educational plan (IEP) team. The IEP team of a student placed in the general education setting ("regular class placement") may determine that the student needs supplementary services in conjunction with the general education placement. Services are provided through co-teaching, consultation, support facilitation, and/or resource ESE services. Additionally, services may include related services such as speech or language services, occupational therapy, physical therapy, counseling, and others. Related services may be provided within the general education or separate class setting based on the needs of the student. In addition, the district program specialists support schools in flexible scheduling to maximize supports and the coordination of services.

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



participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

#### 14. Review and revision of the IEP

The district ensures that the IEP team:

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

#### 15. 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. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

1. Changes to the postsecondary or career goals; and,
2. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

#### 16. Students with disabilities in adult prisons

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

#### 17. IEP implementation and accountability

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

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

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

19. 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.

20. Physical education

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

21. Treatment of charter school students

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

- a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

- b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:
  - i. Including proportional distribution based on relative enrollment of students with disabilities
  - ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

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

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

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

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

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

### Section D: Discipline

☐ This section is not applicable for the district.

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

34 CFR §§300.530–300.537

Sections 893.02, 893.03, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.

Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

#### **Definitions**

1. Change of placement because of disciplinary removals

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

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

2. Controlled substance

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

3. Illegal drug

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

4. Serious bodily injury

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

5. Weapon

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

6. Manifestation determination

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

7. Interim alternative educational setting (IAES)

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

### **Procedures**

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

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

Volusia County Schools provides information & training in Positive Behavior Supports (PBS) through a continuum of Professional Development (PD), technical support & coaching opportunities. These opportunities are provided for all VCS teachers & staff and include PD activities specific to the behavioral and academic needs of ESE students. Beyond the continuum of core PD opportunities, the district ESE staff assists in providing the necessary training to implement the student's IEP with fidelity in the event of a unique situation.

School-wide PBS serves as the foundation for positive behavior for all students in all areas of the campus. Classroom PBS is provided through CHAMPS training and is available to all teachers, and furthermore all new ESE teachers are required to participate in 4 days of ESE specific CHAMPS/PBS, IEP compliance training and differentiated instruction each with the emphasis on individualized PBS. Additional opportunities for PD and information on PBS are provided by the VCS and outside consultants on specific exceptionalities and services, legal safeguards, and how to keep positive behavior as a focus area versus a punitive measure. Finally, while ESE specific PD activities are required of ESE teachers, the opportunities are open and available for all VCS personnel.

All behavior specialists, as well, participate in targeted PBS trainings each month during a mandatory meeting. As the FBA/BIP are based upon PBS principals this group is required to have expert status for the development and implementation of PBS for all students.

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

During an IEP meeting the committee addresses the whole student's needs: academic, social/behavioral and emotional. Behaviors that impede his learning or the learning of others the behavior is discussed when developing priority educational needs. Typically, after developing priority educational needs, the committee develops one or more goals to address specific behavioral needs. If the student does not have a functional behavioral assessment/behavior intervention plan the committee seeks informed parental consent through the reevaluation process to initiate the assessment, based on the student's needs. After development of the goals and objectives the committee determines appropriate related services and supports to address the student's behavior needs. The implementation of the IEP, related services and supports are monitored by the student's assigned case manager.

2. Authority of school personnel

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

- a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

- b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement, as defined in Rule 6A-6.03312, F.A.C.

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

Each month a full report of suspension data for ESE students is distributed to the school Administration, Area Superintendents and ESE Administration. Appropriate interventions are discussed at the school level with the emphasis on Positive Behavior Supports being implemented to support the successful education of the students involved.

A change in placement occurs when a student with a disability is removed from his or her current educational placement for more than 10 consecutive school days or the student has been subjected to a series of removals that constitutes a pattern. School administration along with district personnel monitor monthly suspension data to ensure the incidents of misconduct do not constitute a change of placement, as well as whether a series of removals may constitute a change in placement, or whether any individual circumstances warrant further review. District Placement Specialists support this process for individual caseloads of students for their designated schools of assignment.

If a student violates the student code of conduct an Individual Education Plan (IEP) committee meeting takes place within a few days after the incident to discuss appropriate placement of a student with a disability. The IEP committee reviews all relevant information in the student's file, including the IEP, teacher observations, parent information, functional behavior assessment/behavior intervention plan (FBA/BIP) if appropriate and any additional information. The IEP committee determines whether a change in placement is appropriate for the student with a disability on a case-by-case basis, based on the student's needs.

Describe the district's procedures for determining whether a pattern of removals constitutes a **change of placement** (See Definitions 1 a-b).

A committee that includes ESE Administration (i.e. Program Director, Compliance Coordinator, Discipline and Behavior Specialist, Student Services Coordinators and ESE Program Coordinators) meets quarterly to review data and identify school-based or area needs. When a student has been removed for a total of 10 or more school days in the current school year (or when any further removals will result in an accumulation of more than 10 school days of removal during the current school year), district and/or school personnel follow procedures utilizing the change of placement/FAPE form and manifestation process. If the removal, beginning with the eleventh cumulative school day, will result in a change of placement due to a pattern of exclusion, a manifestation determination review must be completed as well as the change of placement/FAPE form. If the results of a manifestation determination review determine that any further removals will constitute a pattern of removal, the student may not be removed as a disciplinary action, except in situations addressed under "special circumstances" involving drugs, weapons and/or the infliction of serious bodily injury. District staff work to schedule manifestations expeditiously once school-based personnel have completed the discipline documentation to assist in eliminating consecutive removals of students constituting 10 days.

### 3. Manifestation determination

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

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
  - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP

- Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
  - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
  - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
  - Except as provided in 6. below, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. below.
- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. below.

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

The school administration contacts the District Placement Specialist (DPS) when there is a need to facilitate a manifestation determination meeting. Upon DPS notification the manifestation meeting is scheduled within two-three days of the incident and in no case later than 10 days after any decision to change the placement of a student with a disability because of a violation of a code of student conduct. All relevant Individual Education Plan (IEP) committee members as determined by the district and parent(s) are noticed to attend as well as additional support personnel.

If the IEP/manifestation committee recommends initiating a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), parent consent is requested during the meeting. The behavior team receives notice of this request and initiates the process immediately. Behavioral support teams use the FBA process to identify environmental factors that both trigger and reinforce the student's use of problem behavior. This allows teams to develop effective, individualized behavioral interventions that result in desired changes in student behavior. Upon completion of observations, data collection, parent and behavior team input, the IEP committee reconvenes to address the information based on student outcome and needs.

The Behavior Team provides staff training on the FBA process as well as individualized training and coaching for each adult charged with the implementation of the plan, monitoring of the plan and reviews as required by law and by student need. Each school in VCS has access to a qualified Behavior Specialist that facilitates the FBA/BIP process with school and support personnel that work with the child. Within this process, the mandates that require the development of a FBA/BIP are provided by the Behavior Specialist and team.

When the IEP/manifestation meeting determines that the behavior was not a manifestation of the

student's disability, the committee initiates the reevaluation process. If the committee recommends further assessments, the student stays put until the completion of all assessments. If the committee does not recommend further assessments, then the committee determines the appropriate continuum of services and placement based on student needs. FAPE services continue for all ESE students within the appropriate placement.

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

If the IEP/manifestation committee recommends initiating a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), parent consent is requested during the meeting. The behavior team receives notice of this request and initiates the process. Behavioral support teams use the FBA process to identify environmental factors that both trigger and reinforce the student's use of problem behavior. This allows teams to develop effective, individualized behavioral interventions that result in desired changes in student behavior. Upon completion of observations, data collection, parent and behavior team input, the IEP committee reconvenes to address the information based on student outcome and needs.

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

The Behavior Team provides staff training on the FBA process as well as individualized training and coaching for each adult charged with the implementation of the plan, monitoring of the plan and reviews as required by law and by student need. Each school in VCS has access to a qualified Behavior Specialist that facilitates the FBA/BIP process with school and support personnel that work with the child. Within this process, the mandates that require the development of a FBA/BIP are provided by the Behavior Specialist and team.

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

When the IEP/manifestation meeting determines that the behavior was not a manifestation of the student's disability, the committee initiates the reevaluation process. If the committee recommends further assessments, the student stays put until the completion of all assessments. If the committee does not recommend further assessments, then the committee determines the appropriate continuum of services and placement based on student needs. FAPE services continue for all ESE students within the appropriate placement.

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

If a parent disagrees with the manifestation determination decision, the parent may appeal the decision by requesting an expedited due process hearing. The parent contacts the district ESE/SS department or Chief Counsel for the school district requesting an expedited due process hearing. The process would be initiated by the Chief Counsel's offices notifying the Division of Administrative Hearings. The district responds to the parent in writing following the receipt of the due process request. In this response, the parent is informed of available local low cost legal services and resources. The hearing will be held within 20 school days of the date the request for due process was filed. The Administrative Law Judge must make a determination within 10 school days after the hearing.

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. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
  - a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
  - b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to



progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.

- c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
- d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under b) above.

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

The manifestation review is conducted by the district, the parent, and relevant members of the IEP team (as determined by the parent and the district). The individuals involved in making the manifestation determination are charged with reviewing all relevant information in the student's file, including the IEP, any teacher observation and any relevant information provided by the parent. FAPE obligations continue when the resulting change of placement exceeds 10 school days in the school year, except that such FAPE may be provided in an IAES setting. The FAPE related services must enable the student to continue to participate in the general education curriculum, and progress toward meeting the goals set out in the student's IEP. The student must receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

When an ESE student is removed from the traditional school setting, alternative placements are discussed; IAES or home instruction. If a student is placed at an IAES, the District Placement Specialist who facilitated the manifestation meeting along with the sending ESE Assistant Principal, communicates with the IAES site informing the site of the student's needs, IEP, FBA, BIP and any other relevant information. Any additional training and supports are provided to the IAES site by the district ESE support personnel. The FAPE related services continue for the student in the IAES setting.

The aforementioned process applies for students placed on home instruction. The one-to-one instructor will implement the student's IEP, FBA and BIP. District ESE support personnel will assist in providing the necessary training and supports while ensuring FAPE related services continue to be implemented for the student.

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

School district personnel providing services to students suspended or expelled, placed in an IAES setting or home instruction receive training opportunities in Classroom Management, Social Skills instruction, character education, Bullying Prevention and Goal Setting as well as PE, Recreation and behavior self-advocacy. The daily, weekly and monthly behavioral program is individualized based on the student's IEP and individualized needs.

#### 6. Special circumstances and interim alternative educational settings

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

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

A copy of the Part B Notice of Procedural Safeguards for Parents of Students with Disabilities is to accompany each meeting notice sent home. ESE personnel, district staff, and/or school-based administration notify the parent of the change of placement decision for the student and provide the parent with the Part B Notice of Procedural Safeguards on the date that the decision is made. For removals that would constitute a change of placement due to a removal for more than 10 consecutive school days, ESE personnel, district staff, and/or school-based administration notify the parent of the decision to consider a change of placement and provide the Part B Notice of Procedural Safeguards to the parent. For removals that constitute a change of placement due to a pattern of exclusion, ESE personnel, district staff, and/or school-based administration provide the parent with notice of the removal and provide the parent with a copy of the Part B Notice of Procedural Safeguards.

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

The District Placement Specialist along with the administration for the IAES track each student placement as special circumstances; 45 school days rule. At least two weeks prior to the 45th day, the IEP committee convenes to address the student's need to transition to his/her zone school setting with the necessary supports to meet student needs.

## 7. Appeal and expedited hearings

- a. An expedited hearing may be requested by:
  - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
  - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
- b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
- c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:
  - A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
  - The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

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

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

The district designee contacts the parent explaining the process of an expedited due process hearing. A resolution meeting will occur within seven days of receiving notice of the request for an expedited due process hearing, unless the parent and school district agree to waive the meeting. A meeting notice listing appropriate committee members, date, time and location along with a summary of procedural safeguards will be sent to the parent.

#### 8. Authority of an Administrative Law Judge

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.

The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

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

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

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

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

##### a. Basis of knowledge

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

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

##### b. Exception

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

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;

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

c. Conditions that apply if no basis of knowledge

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

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

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

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

When a discipline event has occurred, schools enter all of the required data into the CrossPointe system. If a crime has occurred, the appropriate authorities are contacted and this data is also entered into the CrossPointe system. From the CrossPointe system, the appropriate data elements are extracted and submitted to the state during the annual Survey 5 window.

13. Disciplinary records of students with disabilities

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

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

**Part II. Policies and Procedures for Students with Disabilities****Section E: Participation in State and District Assessments**

☐ This section is not applicable for the district.

**Statutory and Regulatory Citations**

34 CFR §300.320

Chapters 458 and 459, F.S.

Sections 1003.01, 1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.  
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020 6A-6.03028 and 6A-6.0331,  
6A-6.03311 6A-6.03411, F.A.C.

**Statewide, Standardized Assessment Program**

1. Purpose

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

2. Student participation

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

3. Allowable accommodations

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

4. Waiver of assessment requirements

A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

**Extraordinary Exemption for Students with Disabilities**

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

1. Definitions:

- a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.
  - b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.
  - c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.
  - d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or Chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take or perform on an assessment.
  - e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:
    - a. A biological or adoptive parent of a student;
    - b. A foster parent;
    - c. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);
    - d. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
    - e. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

- a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
  - b. Written documentation of the most recent evaluation data.
  - c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
  - d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
  - e. Written evidence that the student has had the opportunity to learn the skills being tested.
  - f. Written evidence that the student has been provided appropriate instructional accommodations.
  - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
  - h. Written evidence of the circumstance or condition as defined in section (1).
  - i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

#### **Exemption for a Child With Medical Complexity**

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

- 1. Child with a medical complexity
  - a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
  - b. *Exemption options.* If the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

1. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:
  - a. The total number of students for whom a one-year exemption has been granted by the superintendent; and
  - b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.
2. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:
  - a.
  - b. The name, address, and phone number of the student's parent;
  - c. Documentation of parental consent for the exemption;
  - d. Documentation of the superintendent's approval of the exemption;
  - e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and
  - f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.
3. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

**Additional Information Required:**

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

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

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.
2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

- a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
- b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.



### 3. District and IEP team requirements

If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: <http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>.

### 4. Administration of the AA-AAS

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

The district administers district-wide assessment(s) of student achievement. If **yes**, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

☐ Yes

☒ No

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

☐ This section is not applicable for the district.

**Statutory and Regulatory Citations**

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

**Definition**

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

**Eligibility Criteria**

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

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

- i. Dual-sensory impaired
- j. Autism Spectrum Disorder
- k. Developmentally delayed

### **Child Evaluation**

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

### **Instructional Program**

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

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

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

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 text box below.

All children who have been evaluated and determined eligible for Part C services are referred to Child Find. The referral from Early Steps contains the Individualized Family Support Plan (IFSP) and assessments, as well as the Child Find referral form. All of the information contained in the referral packets is entered into the Children's Registry Information System (CHRIS) database. The Child Find office then tracks those children through the evaluation and services process until the transition process is complete.

With parent permission, a Local Education Agency (LEA) representative attends the transition meeting to discuss placement procedures and program delivery models. At this meeting outcomes are developed for the child and/or family related to concerns about preparing the child and family to move from Early Steps, at age three, to the most appropriate early child care and educational setting. If outcomes indicate the need for additional testing, Child Find is notified. The LEA representative assists any parent/legal guardian with questions, concerns, and/or classroom visitations if requested. District paperwork necessary for transition is completed by the parent/legal guardian. If the child is determined eligible for Part B services, the team develops an individual education plan for the child on or before the child's third birthday, and services are subsequently offered.

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

## 2. Curriculum

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

## 3. Instructional support

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

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

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

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

- ☒ There is no additional information for this section.
- ☐ This section is not applicable for the district.

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

### **Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years**

☐ This section is not applicable for the district.

#### **Students with Disabilities Ages Birth through Two Years**

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

34 CFR §303.340

Sections 1003.03, 1003.21, and 1003.57, F.S.

Rules 6A-6.0331 and 6A-6.03029, F.A.C.

##### **Definition**

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, 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.

##### **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 skills development based on the information from the child's evaluation and assessment.
- 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 as identified through the assessment of the family.
- c. A statement of the measurable results or measurable 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 goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected 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, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. A statement of the natural environments in which early intervention services, or, for children ages three (3) through five (5) years, specially designed instruction and related services are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;
- f. A statement of the strategies needed in order to meet the child's and family's outcomes
- g. The projected dates for initiation of services.
- h. The IFSP must:
  - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and

- Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided
  - i. 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 services identified on the plan including transition services and coordination with other agencies and persons;
  - j. Family demographic and contact information;
  - k. A statement of eligibility, including recommendations for children not found eligible;
  - l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts
  - m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
  - n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.
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 and length of the early intervention services;
  - c. Funding source or payment arrangements, if any;
  - d. Anticipated duration of the services;
  - e. Other services to the extent appropriate; and
  - f. 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 and training of, 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
    - Notification information to the school district for the purpose of child find;
    - With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
    - Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.
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 from the date of the initial or annual evaluation of the IFSP 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 results or the outcomes identified on the IFSP is being made; and
  - Whether modifications or revision of the results or outcomes or services are necessary; and
  - Whether additional needs have been identified based on ongoing assessment or observation.
- c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.
- d. IFSP meetings are held in accordance with the following:
  - Conducted in settings and at times that are convenient to families; and
  - Conducted 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. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. 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 must 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, individuals who are directly involved in conducting the evaluation and assessment;
  - f. The individual who will be providing early intervention services to the child or family, as appropriate.
5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:
- a. Participating in a telephone or video conference call;
  - b. Having a knowledgeable authorized representative attend the meeting; or
  - c. Making pertinent records available at the meeting.
6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.



## 7. 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 individuals and the services that have been determined to be needed immediately by the child and the family; and
- c. Signatures of those who developed the IFSP; and
- d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

## 8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

### **Students with Disabilities Ages Three through Five**

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

34 CFR §§303.323 and 300.340  
Sections 1003.21, 1003.03, and 1003.57, F.S.  
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

#### **Definition**

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. **School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP.** To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

#### **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 skills development based on the information from the child's evaluation and assessment.
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected 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, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. The projected dates for initiation of services;

- f. 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. In meeting this requirement, the school 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;
  - g. Family demographic and contact information;
  - h. A statement of eligibility, including recommendations for children not found eligible;
  - i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;
  - j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
  - k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.
  - l. The frequency, intensity, and method of delivery of the early intervention services;
  - m. The location and length of the services;
  - n. The payment arrangements, if any;
  - o. Anticipated duration of the services;
  - p. Other services to the extent appropriate; and
    - The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
    - Discussions with, and training of, 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;
    - 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; and
    - Identification of transition services and other activities that the IFSP team determines are necessary to support the child.
2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
- By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
  - For the purpose of implementing the requirements of rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
  - 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.
3. 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,
  - c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.
  - 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.
4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.
- a. 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 shall:
    - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
    - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., **before the school district places the student**; and,
    - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
  - b. 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, but 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.
  - c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.
  - d. Subparagraphs 4a – c 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.
5. 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.
6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

### **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**

☐ This section is not applicable for the district.

**Statutory and Regulatory Citations**

Sections 1003.01 and 1003.57, F.S.  
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

**Definition**

A student who is gifted is one who has superior intellectual development and is capable of high performance.

**Eligibility Criteria**

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 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 standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

**Additional Information Required**

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

- ☒ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.
- ☐ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

**Student Evaluation**

1. The minimum evaluations for determining eligibility address the following:
  - a. Need for a special instructional program
  - b. Characteristics of the gifted
  - c. Intellectual development
  - d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

**Temporary Break in Service**

The team developing the 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 student who is gifted.
- c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.

#### **2. Curriculum**

- a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
- b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
- c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
- d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
- e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

#### **3. Instructional support**

- a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
- b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
- c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
- d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

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

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

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

### **Part III. Policies and Procedures for Students Who are Gifted**

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

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

Sections 1001.02, 1003.01, and 1003.57, F.S.  
Rule 6A-6.030191, F.A.C.

##### **Procedures**

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

**Note:** Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

- a. The EP includes:

- A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
- A statement of goals, including benchmarks or short-term objectives
- A statement of the specially designed instruction to be provided to the student
- A statement of how the student's progress toward the goals will be measured and reported to the parents
- The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

- b. The EP team considers the following during development, review, and revision of the EP:

- The strengths of the student and the needs resulting from the student's giftedness
- The results of recent evaluations, including class work and state or district assessments
- In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

- c. Timelines for development of the EP include the following:

- An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
- An EP is developed within 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 information on the student's strengths, 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

The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

- a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
- b. Scheduling the meeting at a mutually agreed on time and place
  - i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
  - ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
    - Detailed records of telephone calls made or attempted and the results of those calls
    - Copies of correspondence sent to the parents and any responses received
    - Detailed records of visits made to the parent's home or place of employment and the results of those visits
  - iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

### 3. Implementation of the EP

- a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
- b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

## **Part IV.**

### **Policies and Procedures for Parentally-Placed Private 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 with Disabilities**

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

34 CFR §§300.130–300.144  
Rule 6A-6.030281, F.A.C.

#### **Definition**

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

#### **Procedures**

1. Policies and procedures for parentally-placed private school students with disabilities

The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

a. Activities

In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

b. Cost

The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

c. Completion period

The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

d. Out-of-state students

The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information

about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services, including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

- a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).
- b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three 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 years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.
- d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process
- b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated
- c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services
- d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:
  - The types of services, including direct services and alternate service delivery mechanisms
  - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
  - How and when those decisions will be made
- e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

## 11. Compliance

A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

## 12. Equitable services determined

- a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.
- b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.
- c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

## 13. Services plan for each student served

- a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.
- b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.
- c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

## 14. Equitable services provided

- a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.
- b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.
- c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.
- d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

## 15. Location of services and transportation

- a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

- b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.
  - c. The school district is not required to provide transportation from the student's home to the private school.
  - d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.
- 16. Due process hearings and procedural safeguards
  - a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.
  - b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.
- 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 FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.
- 18. Requirement that funds not benefit a private school
  - a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.
  - b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.
- 19. Use of personnel
  - a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.
  - b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.
- 20. Separate classes prohibited

The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.
- 21. Property, equipment, and supplies



- a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.
- b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.
- c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.
- d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.
- e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

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

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

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

Sections 1002.01, 1002.39, 1002.43 1002.66 and 1003.21, F.S.

#### **Definition**

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

#### **Eligibility Criteria**

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
  - a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
  - b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. 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 four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

**Note:** A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

**Additionally, in accordance with s. 1003.39, F.S., a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.**

- c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:

- a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
- b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;
- c. Participating in a home education program as defined in s. 1002.01, F.S.;
- d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;
- e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;
- f. Enrolled in the FSDB; or
- g. In accordance with s. 1003.39, F.S., not having regular and direct contact with his or her private school teachers at the school's physical location, **unless that student is participating under the Transition to Work Program within the private school.**

### **Procedures**

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

### **School District Obligations**

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the <http://www.floridaschoolchoice.org> website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

**Note:** Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.

8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.
12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

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

### **Section C: Gardiner Scholarship Program**

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

Chapter 1005, Part III, F.S

Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

#### **Definition**

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
  - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
  - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
  - "Department" means the FDOE.
  - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
    - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069(3), F.S.;
    - Cerebral Palsy, as defined in 393.063 (4), F.S.;
    - Down Syndrome, as defined in s.393.063 (13), F.S.;
    - Intellectual Disability, as defined in s.393.063 (21), F.S.;
    - Prader-Willi syndrome, as defined in s. 393.063 (25), F.S.;
    - Spina bifida, as defined in s. 393.063 (36), F.S.;
    - For a student in kindergarten, being a high-risk child, as defined in 393.063 (20), F.S.; and muscular dystrophy; and Williams Syndrome.
  - "Eligible" to receive a Gardiner Scholarship means that the student:
    - Is a resident of this state;
    - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
    - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
    - Has a disability as defined above.
  - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
  - "Eligible postsecondary institution" means any of the following:
    - Florida College System institution;

- State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

#### **School District's Obligations and Parental Options**

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

**Part V.**  
**Appendices**

**Part V. Appendices****Appendix A: General Policies and Procedures****1. Procedural Safeguards for Students with Disabilities**

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

- ☐ The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ☒ A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

Additional Attachment: See Attachment: 2-64-405

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

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

- ☒ The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ☐ A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ☐ This requirement is not applicable for the district.

Additional Attachment: See Attachment: 1-64-402



**Part V. Appendices****Appendix B: Unique Philosophical, Curricular, or Instructional Considerations**

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

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

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

Additional Attachment: N/A

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

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

Additional Attachment: N/A

**II.B.3 Developmentally Delayed**

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

Additional Attachment: N/A

**II.B.4 Dual-Sensory Impaired**

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

Additional Attachment: N/A

**II.B.5 Emotional or Behavioral Disabilities**

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

Additional Attachment: N/A

**II.B.6 Established Conditions**

- ☐ Evaluations

- ☐ Qualified Evaluators
- ☒ Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: See Attachment: 1-64-423

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

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

Additional Attachment: N/A

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

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

Additional Attachment: N/A

#### **II.B.9 Orthopedic Impairment**

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

Additional Attachment: N/A

#### **II.B.10 Other Health Impairment**

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

Additional Attachment: N/A

#### **II.B.11 Traumatic Brain Injury**

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

Additional Attachment: N/A

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

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

Additional Attachment: N/A

**II.B.13 Speech Impairments**

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

Additional Attachment: See Attachment: 1-64-432

**II.B.14 Language Impairments**

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

Additional Attachment: See Attachment: 1-64-459

**II.B.15 Visually Impaired**

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

Additional Attachment: N/A

**II.B.16 Related Services – Occupational Therapy**

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

Additional Attachment: N/A

**II.B.17 Related Services – Physical Therapy**

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

Additional Attachment: N/A

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

- ☐ Development and Implementation

Additional Attachment: N/A

**II.F. Prekindergarten Children with Disabilities**

- ☐ Evaluations
- ☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

**III.A. Gifted**

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Additional Attachment: N/A

**Part V. Appendices****Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted**

☐ This section is not applicable for the district.

**1. Current Status**

Provide the following data:

**Total Student Population**

Number of All Students 62937  
Number of Gifted Students 3392  
Percent of Gifted Students 5

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

Number of All Students 4065  
Number of Gifted Students 34  
Percent of Gifted Students 1  
Percentage of LEP Gifted Compared to Total Number of Gifted Students  
1

\*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students", divide the number of LEP gifted students by the total number of gifted students in the district by and move the decimal point two numbers to the right.

**Low Socio-Economic Status Family**

Number of All Students 43002  
Number of Gifted Students 1171  
Percent of Gifted Students 3  
Percentage of low SES Gifted Compared to Total Number of Gifted Students  
35

\*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students", divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

\*\* Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category

**2. District Goal**

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

The district's goal is to increase access to gifted programming for underrepresented youth within Volusia County Schools. Target groups are those who are determined to be Limited English Proficient

and/or have Low Socio-Economic Status. The plan for achieving these goals are listed within the attachment below.

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

**3. Screening and Referral Procedures**

- A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation

**4. Student Evaluation Procedures**

- A description of the evaluation procedures and measurement instruments that will be used

**5. Eligibility Criteria**

- A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment

**6. Instructional Program Modifications or Adaptations**

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

**7. District Evaluation Plan**

- A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

**Part V. Appendices****Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion**

☐ This section is not applicable for the district.

Select from the following:

☒ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

District documentation: See Attachment: 1-64-384

☒ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

District documentation: See Attachment: 1-64-388

**Part V. Appendices****Appendix E: Policies and Procedures Unique to Developmental Research  
(Laboratory) Schools**

☒ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

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**Part V. Appendices****Appendix F: Best Practices in Inclusive Education (BPIE) Assessment**

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

**District's BPIE**

See Attachment: 4-64-1840

The district's completed **BPIE Services Plan** is attached.

**District's BPIE**

See Attachment: 4-64-1841

**Volusia County Schools**  
**Part B**  
**Notice of Procedural Safeguards for**  
**Parents of Students with Disabilities**  
*Revised August 2014*

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
- In accordance with the provisions of §1008.212, Florida Statutes (F.S.), upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment be granted or denied.
- Upon your request to receive a copy

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

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 Code of Federal Regulations (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, eligibility determination, 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, eligibility determination 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 email, you may choose to receive the following by email:

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 unless the child has a foster parent who meets the state definition of a parent;
2. Considered a ward of the State under State law; or
3. In the custody of a public child welfare agency.

### Parental consent for the initial provision of 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 specific actions

The school district must obtain your consent for the following specific actions if included in your child's IEP, unless your school district can demonstrate that it took reasonable steps to obtain your consent and you did not respond.

These actions include:

1. Administration of the alternate assessment and provision of instruction in the state standards access points curriculum.
2. Placing your child in an exceptional student education center, except in the circumstance of a placement in an interim alternative education setting for violation of the district's code of student conduct related to weapons; possession, use or sale of illegal drugs; or infliction of serious bodily injury upon

another person (see page 9, *Special circumstances*).

If the school district decides there is a need to change your child's IEP as it relates to the actions described above, the school must hold an IEP meeting that includes you. The school must provide you with a written notice of this meeting at least 10 days before the meeting indicating the purpose, time, and location of the meeting and who, by title or position, will be attending the meeting. Once you receive this notice, you and the district may agree to meet earlier.

If you refuse consent, the school district may obtain approval for these actions through a due process hearing. During the due process resolution period and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the school district agree otherwise, your child must remain in his or her current educational placement (see page 5, Due Process Hearing Request Procedures).

### 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, 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

#### §1002.22(3)(a)4, F.S.

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

#### 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

#### 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

#### 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

### 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

### 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

### 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

### 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

### 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

### 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 our 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 §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, eligibility determination, or educational placement of your child or the provision of a FAPE to your child.

In addition, in accordance with §1008.212, F.S., in the event that your school district superintendent requests that an extraordinary exemption from participation in a state assessment be granted to your child and the Commissioner of Education denies this request, you have the right to request an expedited due process hearing. This request would be made to the Department of Education. Upon

your request, you would be informed of any free or low-cost legal services and other relevant services available. The Department of Education will arrange a hearing on this matter with the State of Florida Division of Administrative Hearings. The hearing must begin within 20 school days following receipt of your request. The administrative law judge (ALJ) must make a determination within 10 school days after the expedited hearing is completed.

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 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, **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 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 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 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 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**

##### **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

#### 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

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

#### 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

#### 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; Rule 6A-6.03312, F.A.C. 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 §202(c) of the Controlled Substances Act, 21 U.S.C. 812(c) and §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 7 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 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

The destruction of student educational records, which may include exceptional student education information, is in accordance with the retention schedule approved by the Bureau of Archives and Records Management, State of Florida. The parent/guardian or eligible student has thirty (30) days after graduation, transfer or withdrawal to request a copy of student service and/or exceptional education information. All records will be destroyed five to seven years after student graduates.

**Volusia County Schools**  
**Revised 2013**  
**Procedural Safeguards for Exceptional Students Who Are Gifted**

**6A-6.03313 Procedural Safeguards for Exceptional Students who are Gifted.**

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information about these rights to appropriate district and school personnel so that the needs of the student can be identified and appropriately met. The school board's policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, Florida Administrative Code (F.A.C.), and shall include adequate provisions for the following:

- (1) Prior notice.** The school district shall provide parents with prior written notice a reasonable time before any proposal or refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education to the student.
  - (a) The prior notice to the parents shall be written in language understandable to the general public and shall be provided in the native language or other mode of communication commonly used by the parent unless such communication is clearly not feasible to do so.
  - (b) If the parents' mode of communication is not a written language, the school district shall ensure:
    1. That the notice is translated to the parents orally or by other means in their native language or mode of communication;
    2. That the parents understand the content of the notice; and
    3. That there is written documentation that the requirements of subparagraphs (1)(b)1. and 2. of this rule have been met.
  - (c) The notice to the parents shall include:
    1. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;
    2. A description of each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;
    3. A description of any other factors that are relevant to the district's proposal or refusal; and
    4. Information on how the parent can obtain a copy of the procedural safeguards specified in this rule.
- (2) Content and Provision of the Procedural Safeguards to Parents.**
  - (a) Parents must be provided a copy of their procedural safeguards which provides a full explanation of the provisions included in this rule.
  - (b) A copy of the procedural safeguards must be available to the parents of a child who is gifted, and must be given to the parents, at a minimum:
    1. Upon initial referral for evaluation;
    2. Upon refusal of a parent's request to conduct an initial evaluation;
    3. Upon notification of each EP meeting; and
    4. Upon receipt of a request for a due process hearing by either the school district or the parent in accordance with subsection (7) of this rule.
- (3) Informed parental consent.**
  - (a) Parents shall be fully informed of all information relevant to the action for which consent is sought in their native language or other mode of communication unless such communication is clearly not feasible.
  - (b) Written parental consent shall be obtained prior to conducting an initial evaluation to determine eligibility and prior to initial provision of services to students who are gifted.
  - (c) School districts shall document the attempts to secure consent from the parent as required by paragraph (3)(b) of this rule.
  - (d) Parental consent is voluntary and may be revoked at any time before the action occurs.
  - (e) Except for formal, individual evaluation and the initial provision of services to the student, consent may not be required as a condition of any other benefit to the parent or child. Any proposal or refusal to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the student after the initial placement is not subject to parental consent but is subject to prior notice as defined by subsection (1) of this rule.
  - (f) Parental consent is not required before:
    1. Reviewing existing data as part of an evaluation; or
    2. Administering a test or other evaluation that is administered to all students unless, before administration of that test or

evaluation, consent is required of parents of all children.

**(4) Parents' opportunity to examine records and participate in meetings.**

- (a) The parents of students who are gifted shall be afforded, in accordance with Rule 6A-1.0955, F.A.C., Section 1002.22, Florida Statutes (F.S.), and this rule, an opportunity to inspect and review their child's educational records.
- (b) The right to inspect and review education records under this rule includes the right to have a representative of the parent inspect and review the records including all records related to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child.
- (c) The parents of a student who is gifted must be afforded an opportunity to participate in meetings with respect to the development of their child's educational plan.

**(5) Evaluations obtained at private expense.** If the parent obtains an independent evaluation at private expense which meets the requirements of subsection (4) of Rule 6A-6.0331, F.A.C., the results of the evaluation must be considered by the school district in any decision made with the respect to the determination of eligibility for exceptional student education services.

- (a) The results of such evaluation may be presented as evidence at any hearing authorized under subsection (7) of this rule.
- (b) If an administrative law judge requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense, as defined in paragraph (7)(c) of Rule 6A-6.03411, F.A.C.

**(6) State Complaint Procedures.** The Department of Education shall provide parents and other interested persons the opportunity to resolve allegations that a school district has violated state requirements regarding the education of students who are gifted through the establishment of state complaint procedures.

- (a) Within ninety (90) calendar days after a complaint is filed, under the provisions of this rule, the Department of Education shall:
  - 1. Carry out an independent on-site investigation, if the Department of Education determines that to be necessary;
  - 2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
  - 3. Review all relevant information and make an independent determination as to whether the school district is violating a state requirement regarding the education of students who are gifted;
  - 4. Issue a written decision on the complaint that addresses each issue presented in the complaint and contains findings of fact, conclusions, and the reason(s) for the Department of Education's final decision; and
  - 5. Extend the time limit established in paragraph (6)(a) of this rule if exceptional circumstances exist with respect to a particular complaint.
- (b) Procedures for the effective implementation of the Department of Education's final decision include the following:
  - 1. Technical assistance activities;
  - 2. Negotiations; and
  - 3. Corrective actions to achieve compliance.
- (c) Relationship to due process hearings.
  - 1. If a written complaint is received that is also the subject of a due process hearing requested pursuant to subsection (7) of this rule, or the complaint contains multiple issues, of which one or more are part of that hearing, the Department of Education shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved in compliance with the procedures described in subsection (6) of this rule.
  - 2. If an issue is raised in a complaint filed under this subsection that has previously been decided in a due process hearing involving the same parties, the administrative law judge's decision is binding and the Department of Education shall inform the complainant to that effect.
  - 3. The Department of Education shall resolve any complaint that alleges that a school district has failed to implement a due process hearing decision.

**(7) Due process hearings.** Due process hearings shall be available to parents of students who are gifted and to school districts to resolve matters related to the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.

- (a) Such hearings may be initiated by a parent or a school district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
- (b) A hearing shall be conducted by an administrative law judge from the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education.

- (c) An administrative law judge (ALJ) shall use subsection (7) of this rule for any such hearings and shall conduct such hearings in accordance with the Uniform Rules for Administrative Proceedings, Chapter 28-106, F.A.C., as deemed appropriate by the ALJ including, but not limited to: the authority of a party to request a pre-hearing conference, the authority of the ALJ to issue subpoenas to compel the attendance of witnesses and the production of records, and the authority of the ALJ to issue summary rulings in absence of a disputed issue of material fact.
- (d) Status of student during proceedings.
  - 1. During the time that an administrative or subsequent judicial proceeding regarding a due process hearing is pending, unless the district and the parent of the student agree otherwise, the student involved in the proceeding must remain in the present educational assignment. If the proceeding involves an application for an initial admission to public school, the student, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.
  - 2. If the administrative law judge agrees with the parent and finds that a change of placement is appropriate, that placement becomes the agreed-upon placement during the pendency of the appeal.
- (e) Hearing rights for all parties.
  - 1. Any party to a hearing conducted pursuant to subsection (7) of this rule has the right:
    - a. To 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 who are gifted, or any combination of the above;
    - b. To present evidence, and to confront, cross-examine, and compel the attendance of witnesses;
    - c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;
    - d. To obtain written, or at the option of the parents, electronic, verbatim record of the hearing at no cost to the parents; and
    - e. To obtain written, or at the option of the parents, electronic findings of fact and decisions at no cost to the parents.
  - 2. Additional disclosure of information.
    - a. At least five (5) business days prior to a hearing conducted pursuant to subsection (7) of this rule, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.
    - b. An administrative law judge may bar any party that fails to comply with subparagraph (7)(e)2. of this rule from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- (f) Parental rights at hearings. Parents involved in hearings must be given, in addition to the rights described in paragraph (7)(e) of this rule, the right to:
  - 1. Have their child who is the subject of the hearing present; and
  - 2. Open the hearing to the public.
- (g) Duties and responsibilities of the superintendent or designee shall include:
  - 1. Implementing procedures that require the parent of a child who is gifted, or the attorney representing the child, to provide notice to the school district. The notice required, which must remain confidential, must include: the name of the child; the address of the residence of the child; the name of the school the child is attending; a description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem; and, a proposed resolution of the problem to the extent known and available to the parents at the time. However, the school district may not deny or delay a parent's right to a due process hearing for failure to provide this notice.
  - 2. Immediately forwarding the Division of Administrative Hearings by facsimile transmission of the parent's request for a hearing upon its receipt;
  - 3. Notifying all parties regarding their rights and responsibilities before, during, and after the hearing. This notice should include information to the parent of any free or low cost legal and other relevant services, which are available, if the parent requests this information or if the parent or school district initiates a hearing.
  - 4. Determining whether an interpreter is needed and arranging for the interpreter as required;
  - 5. Complying with the administrative law judge's rulings regarding requests for and exchanges of evidence; discovery; the filing of motions and, scheduling, so as to meet the requirements of this rule, and the deadlines established herein.
  - 6. Arranging for the provision and payment of clerical assistance, the hearing, use of facilities, and a verbatim transcript of the hearing;
  - 7. Completing other responsibilities specified by the school board.
- (h) Duties and responsibilities of the Department of Education shall include:
  - 1. Maintaining a list of persons who serve as administrative law judges including a statement of the qualifications of each of these persons; and



2. Maintaining an index of the final orders of such hearings and providing this information to the public upon request.
- (i) Duties and responsibilities of an administrative law judge shall be:
1. To establish the date, time, and location of the hearing and any pre-hearing conference calls and motion hearings. Each hearing involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and their child;
  2. To conduct the hearing in a fair and impartial manner;
  3. To ensure that all discovery, motion practice, and pre-hearing procedures are conducted in an expedited manner, consistent with the deadlines established by this rule concerning the exchange of evidence and the issuance of the final decision.
  4. To determine if the parent wants an electronic or written copy of the final decision and the administrative record of the hearing;
  5. To determine whether the parent wants the hearing open to the public and whether the parent wants their child to attend the hearing;
  6. To determine whether the parent's advisor or representative is sufficiently knowledgeable about or trained regarding students who are gifted;
  7. To determine how evidence may be exchanged prior to and during the hearing;
  8. To determine how witnesses may be compelled to attend, be cross-examined, and confronted during discovery and at the hearing;
  9. To determine how evaluations and recommendations may be disclosed prior to and during a hearing;
  10. To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;
  11. To reach a final decision and mail to all parties copies of the facts, findings and decision regarding the hearing within forty-five (45) days of the district's receipt of the parent's request or the filing of the district's request for a hearing, whichever is sooner;
  12. To be accountable for compliance with all deadlines and procedures established by the statutes and rules for such hearings;
  13. To maintain the confidentiality of all information; and
  14. To rule on requests for specific extensions of time beyond the periods set forth in subsection (7) of this rule, at the request of either party.
- (j) Civil action. A decision made in a hearing conducted under subsection (7) of this rule shall be final, unless, within thirty (30) days, a party aggrieved by the decision brings a civil action in state circuit court without regard to the amount in controversy, as provided in Section 1003.57(5), F.S. The state circuit court shall: receive the records of the administrative proceedings; hear, as appropriate, additional evidence at the request of a party; and, basing its decision on the preponderance of the evidence, shall grant the relief it determines appropriate. In the alternative, any party aggrieved by the administrative law judge's decision shall have the right to request an impartial review by the appropriate district court of appeal as provided by Sections 120.68 and 1003.57(5), F.S.

*Specific Authority 1001.02(1)(2)(n), 1003.01(3)(a)(b), 1003.57(5) F.S. Law Implemented 1001.42(4)(l), 1003.01(3)(a) (b), 1003.57(5), 1001.03(8) F.S. History—New 9-20-04.*

Current research supports developmentally appropriate early intervention within natural environments in order to maximize learning potential for families with children with disabilities. District personnel may provide training and assistance to families and/or primary caregivers to support the unique needs of the child age birth through two with an Established Condition of auditory impairment and/or at risk for autism. The number of students served who are at risk for autism would be determined by the district. Services are provided within the child's natural environment and designed to address family concerns and priorities specified in the Individualized Family Support Plan (IFSP).

An individual educational plan (IEP) or educational plan (EP) team may consider the need for speech as a related service for any student who has been identified as an exceptional student who needs the service to benefit from education. The IEP or EP team must determine a need for the service based on the goals, services, and needs of the student. This may be considered at an initial eligibility as well as upon reevaluation and can therefore be included on either an initial or existing IEP/EP. The decision should be data-driven and made on a case-by-case basis by the IEP team.

Upon review of all existing evaluation and present levels data, including a recent speech/language evaluation that address(es) the area(s) of concern, the IEP/EP team, to include the SLP, must address the following when determining a student's need for speech/language as a related service:

- a) The communication problems the student is experiencing in the educational environment,
- b) What the available data reveals about the student's communication needs (e.g., comprehensive speech/language evaluation, observations, speech/language samples, current and past services, if any, the student's response to specific interventions, if any, and parent/guardian input on communication skills observed in the home and/or other environments, etc.),
- c) Whether the student's communication problems are impacted by other factors such as limited English proficiency (LEP), need for augmentative and alternative communication (AAC), and/or identified physiological, psychological, or medical factors,
- d) Whether the student's IEP goals address the communication deficits,
- e) Whether the strategies implemented within the classroom to address these goals have been shown to be effective, and
- f) Whether speech/language services are necessary for the student to benefit from special education.

The IEP/EP team determines the specific needs, services, and role(s) of various professionals in regard to a particular student. Program eligibility consideration is not a requirement of the team before determining the need for speech as a related service.

An individual educational plan (IEP) or educational plan (EP) team may consider the need for language as a related service for any student who has been identified as an exceptional student who needs the service to benefit from education. The IEP or EP team must determine a need for the service based on the goals, services, and needs of the student. This may be considered at an initial eligibility as well as upon reevaluation and can therefore be included on either an initial or existing IEP/EP. The decision should be data-driven and made on a case-by-case basis by the IEP team.

Upon review of all existing evaluation and present levels data, including a recent speech/language evaluation that address(es) the area(s) of concern, the IEP/EP team, to include the SLP, must address the following when determining a student's need for speech/language as a related service:

- a) The communication problems the student is experiencing in the educational environment,
- b) What the available data reveals about the student's communication needs (e.g., comprehensive speech/language evaluation, observations, speech/language samples, current and past services, if any, the student's response to specific interventions, if any, and parent/guardian input on communication skills observed in the home and/or other environments, etc.),
- c) Whether the student's communication problems are impacted by other factors such as limited English proficiency (LEP), need for augmentative and alternative communication (AAC), and/or identified physiological, psychological, or medical factors,
- d) Whether the student's IEP goals address the communication deficits,
- e) Whether the strategies implemented within the classroom to address these goals have been shown to be effective, and
- f) Whether speech/language services are necessary for the student to benefit from special education.

The IEP/EP team determines the specific needs, services, and role(s) of various professionals in regard to a particular student. Program eligibility consideration is not a requirement of the team before determining the need for language as a related service.

## Appendix D

### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

#### **Purpose**

This policy specifically addresses behavioral interventions and supports which are permissible and impermissible for use as classroom management, individual behavior intervention, and emergency/crisis management strategies for students served in Exceptional Student Education (ESE). The Volusia Behavior Initiative provides processes and proactive practices related to behavioral intervention and support at all levels, including school-wide behavioral support, targeted group interventions, and individual student interventions. The Volusia County Problem Solving Team process, which explicitly includes Response to Intervention as a component, provides a framework for behavioral assessment and proactive intervention for students not identified as having a disability under Individuals with Disabilities Education Improvement Act (IDEA-04).

#### **Positive Behavioral Interventions and Support**

*Positive Behavior Support* (PBS) is a set of research-based strategies used to increase quality of life and decrease problem behavior by teaching new skills and making changes in a person's environment. PBS integrates the technology of applied behavior analysis with person-centered values to design comprehensive behavioral intervention plans based on information gathered from a *functional behavioral assessment* (FBA). Positive behavioral interventions include proactive, educative, and functional strategies which are effective in natural everyday settings.

Any individual Behavioral Intervention Plan (BIP) developed for a student served in ESE should be based upon a FBA.

#### **I. Permissible Interventions**

The types of interventions used in school-wide, classroom management and individual BIPs should be the least intrusive and least restrictive interventions likely to be effective. Individual behavioral intervention plans should address the following areas:

- A. Proactive Strategies - modification of the environment and/or setting events in order to prevent problem behavior. Useful strategies include, but are not limited to:
  1. removing an instructional, social, or health event related to a problem behavior (e.g., avoid difficult independent work, avoid long delays, avoid seating by a specific peer, avoid caffeine);
  2. modifying an instructional, social, or health event related to a problem behavior (e.g., shorten lessons, change voice tone when speaking to a student);
  3. interspersing difficult or unpleasant events with easy or pleasant ones (e.g., mix easy problems with difficult ones, precede directives with easily followed directions, schedule non-preferred tasks with preferred tasks);
  4. blocking or neutralizing the impact of negative events (e.g., allow frequent breaks during difficult work, reduce demands when student is agitated, provide opportunities for rest when tired or ill, provide time alone to regroup after a negative event);

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

5. adding events that promote desired behavior  
(e.g., provide choices, include student preferences in selection of activities and reinforcers, use cooperative learning, provide opportunities for social interaction and daily exercise, make classroom and school routines predictable).
- B. Educative Strategies - instruction of appropriate alternatives to problem behavior. Useful strategies include, but are not limited to:
1. teaching *functionally equivalent* replacement skills which serve the same purpose as problem behavior  
(e.g., asking for help instead of escaping a specific task, interrupting appropriately to gain attention instead of out of seat behavior);
  2. teaching general, coping, and/or tolerance skills  
(e.g., reading, communication skills, relaxation strategies, anger management skills).
  3. using instructional prompts  
(e.g., model, gestural, verbal, physical)
- C. Functional Strategies - management of consequences to increase the use of appropriate alternatives to problem behavior and to decrease or minimize the payoff for problem behavior. Useful strategies include, but are not limited to:
1. reducing the outcomes or payoff for problem behavior  
(e.g., provide corrective feedback, withhold identified pay off for problem behavior, time out\*, redirect to another activity, physically block an inappropriate behavior);
- \*See Section V of this Appendix for specific procedures for use of time out.*
2. reinforcing appropriate behavior  
(e.g., use of praise, attention, tangibles, etc. for appropriate behavior, use of various schedules of reinforcement, provide natural reinforcement for appropriate replacement behavior).
- D. Quality of Life - promote enhanced lifestyle. Interventions and supports included in individual behavioral intervention plans should lead to meaningful outcomes in addition to decreasing problem behavior. Examples of such outcomes include, but are not limited to:
1. developing or maintaining friendships;
  2. incorporating opportunities for choice and self-advocacy;
  3. increasing participation in activities and less segregated school and community environments;
  4. improving self-esteem and confidence.

## **Appendix D**

### **PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT**

#### ***II. Definitions of Restraint and Seclusion***

- A. **Physical Restraint:** Physically immobilizing or reducing the ability of a student to move his or her torso, arms, legs, or head freely. The term does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Transports, by definition, may require physical force or exertion in order to propel a student into motion while immobilizing their arms and torso with one or more persons assisting. Transports with immobilization are considered restraints.
- B. **Mechanical Restraint:** the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:
- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports
  - Vehicle safety restraints when used as intended during transport of a student in a moving vehicle
  - Restraints for medical immobilization
  - Orthopedically prescribed devices that permit a student to participate in activities without risk of harm
- C. **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

#### ***III. Impermissible Behavioral and Crisis Interventions***

The following types of interventions may *not* be used by employees of the Volusia County School Board (VCSB) to prevent behavior problems, implement behavioral consequences, or for crisis management.

- A. corporal punishment, including spanking, paddling, slapping, water spray, sensory deprivation, or any intervention that is designed or likely to cause physical pain;
- B. seclusion as defined in Section II., C. or the use of locking rooms, boxes, or other structures from which a student could not readily exit;
- C. any interventions that restrict a student's breathing or deprive the student of use of one or more of his or her senses;

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

- D. noxious substances, toxic, or otherwise unpleasant sprays or mists (including water sprays), or substances released in proximity of the student's face or body;
- E. deprivation of health-sustaining necessities, including meals, water, access to toilet facilities, or prescribed medication;
- F. series of suspensions that constitute a change of placement as defined by IDEA-04;
- G. interventions designed to ridicule the student;
- H. Mechanical restraint as defined in Section II., B.
  - 1. Medical or therapeutic equipment and/or other mechanical devices (i.e. standers, side-lying equipment, specialized chairs, specialized strollers, splints, etc.) may only be used for the intended purpose for which the device was designed and must be prescribed by the appropriate medical or related service professional, such as a physical therapist, occupational therapist, or medical doctor.
  - 2. When determined appropriate by above criteria, the use of such equipment and/or devices should be documented in the student's Individual Education Plan (IEP).
  - 3. Children positioned in prescribed devices should never be left alone and should always be engaged or monitored with proximity and visual gaze for safety reasons. Upon dismissal from therapy, the physical or occupational therapist may prescribe continued use of equipment.
  - 4. Medical or therapeutic equipment should be stored outside of the learning environment when no longer required to meet a student's needs as prescribed by the appropriate medical or related service professional.
- I. The unwarranted use of drugs or other medical interventions, where "unwarranted" means not justified by, and prescribed by a physician, for any reasonable medical purpose related to the student.

#### ***IV. Physical Restraint and Crisis Management Procedures***

- A. An emergency is any condition or situation that poses immediate and significant threat to the physical safety of the student and/or others.
- B. Emergency interventions may not be used as a substitute for an individual BIP. Such interventions should only be used in emergency situations when an immediate and significant threat to the physical safety of the student and/or others exists. Physical restraint should only be used for the period of time needed to contain the behavior of concern and eliminate the threat of harm to self and/or others.



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### **PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT**

#### **C. In response to emergency situations:**

1. Restraint may only be used in emergency situations that cannot be immediately and effectively prevented or stopped by less restrictive interventions. This need is determined to exist when other less restrictive interventions have proven to be, or in the reasonable judgment of trained staff will be, less effective in containing the behavior.
2. Restraint may not be used as punishment. The purpose of emergency interventions is to protect the student and/or others from harm.
3. Following any instance when restraint is used, the student should be checked to ensure he or she has not been injured.
4. Training in district approved crisis management techniques is required for staff who will be implementing physical crisis intervention procedures. VCSB has adopted Nonviolent Crisis Intervention (NCI), a program which includes preventative strategies, de-escalation techniques, physical restraint techniques, and postvention strategies.
  - a. In the instance when trained staff is not present during an emergency situation, staff should use the school's crisis/security plan to immediately report the emergency and access trained staff to respond to the situation.
  - b. If staff members who have not received training are confronted with an emergency situation that poses immediate and significant threat to the physical safety of a student or others, staff should be guided by Florida Statutes and rules in the Florida Administrative Code regarding the use of reasonable force to maintain a safe and orderly learning environment.
5. When physical restraint is used to intervene in an emergency situation, staff must follow parent notification, documentation, and reporting procedures outlined in Part I. General Policies and Procedures, Section A: Legal Requirements of this document.
6. An individual BIP developed from a FBA must be developed for any ESE student who required the use of physical crisis intervention procedures two times or more\_within twenty school days. If a student already has a BIP, it must be reviewed to determine the need for any further assessment and/or revisions to interventions and supports included in the BIP.

#### ***V. Procedures for Use of Time Out***

Time out is a behavior reduction procedure in which, for a short period of time, a student is unable to access reinforcement that is maintaining a predefined, inappropriate behavior. The procedure is terminated when the disruptive behavior has ceased and appropriate behavior has been demonstrated for a predetermined amount of time.

Time out should be distinguished from the following strategies which are also acceptable:

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

1. “time away” or taking a break which is initiated by the student to regulate his/her own behavior;
2. allowing a student to regain composure by moving the student to an alternate location, such as a conference room, office, or empty classroom, in order to remove him or her from circumstances within the classroom or setting which are escalating or maintaining the student’s inappropriate behavior. The student must be in view of a staff member or monitored at all times. A student *may not be secluded as defined in Section II, C*. The student must be able to be safely escorted/transported to the new location using NCI techniques and strategies. The student may remain in the area until he or she has regained composure.

There are several forms of time out which vary in levels of restrictiveness. **To minimize the risk of injury or other side effects, seclusion time out and time out rooms are prohibited in Volusia County Schools.** Impermissible forms of time out also include any procedure that is implemented using rooms, boxes, or other structures from which a student cannot readily exit. This includes, but is not limited to, implementation of time out in rooms or areas which are locked or barricaded to block a student’s exit, bathrooms, or areas used for storage.

- A. Permissible forms of time out are listed below from the least restrictive to most restrictive form. These include:

1. Nonexclusionary Time Out –

In this form of time out, a student does not have the opportunity to receive reinforcement for a specified period of time, but is not removed from the setting or an activity. The advantage of this type of time-out is that it attempts to keep the student engaged in the ongoing activity in the classroom. When he or she has demonstrated acceptable behavior for a previously specified amount of time (e.g., thirty seconds, one minute), the student may again access reinforcement for appropriate behavior.

- a. Planned ignoring is the least intrusive form of nonexclusionary time out. It involves deliberate withholding of attention, verbal interaction, and physical contact for a short duration, as a consequence for an infraction. Generally, this is the removal of teacher attention from a student when the student exhibits inappropriate behavior. This technique is effective when teacher attention is the goal/function of the problem behavior.
- b. Contingent observation is a slightly more intrusive form of nonexclusionary timeout, in which the student must sit on the periphery of the ongoing activity for a brief period of time, during which the student cannot access reinforcement. The student continues to observe the appropriate behaviors of his/her peers being reinforced.

2. Exclusionary Time Out -

This form of time out involves removing a student from an activity for a period of time, but not from the classroom. *The student must remain in full view of instructional staff.* The student is not allowed to view or be involved in any activity for a specified amount of time. The time out procedure is terminated when the student demonstrates acceptable behavior for a previously determined amount of time (e.g., one minute, two minutes).

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

#### A. Implementation of Time Out

1. Time out should only be used as a part of comprehensive individual behavioral plans and/or classroom management programs, designed to teach replacement behaviors. Planning and consideration of the following should occur:
  - a. operationally define behaviors(s) for time out;
  - b. determine initiation, duration, and termination of time out procedures;
  - c. develop transition procedures that allow the student to return to classroom;
  - d. define the types of time out to be used and plans for supervision;
  - e. clearly communicate plans to reinforce replacement behaviors to the student, parent, and all who will implement the procedures;
  - f. ensure that the student understands the purpose and rules for time out and what is expected to return successfully to the classroom activity;
  - g. monitor the use of time out to be certain it is effectively de-escalating disruptive behavior.
2. Less restrictive interventions and forms of time out should be used first. If less restrictive interventions and forms of time out have proven to be, or in the reasonable judgment of trained staff will be, less effective in weakening or stopping misbehavior, more restrictive forms of permissible time out procedures may be used. Transition to less restrictive forms of time out may occur once disruptive behavior begins to de-escalate. This may make the return to typical classroom activities easier on the student.
3. Students must be monitored or be within view of a staff member at all times while in any form of time out.
4. The use of time out for an individual student should be monitored for effectiveness. Information collected regarding the use of time out as an intervention should be used to analyze the effectiveness of the procedure in changing the behavior of an individual student. If a change of behavior is not noted within a reasonable period, the use of time out should be reviewed to determine whether the intervention should continue to be implemented or if there should be changes to its implementation.
5. Use of exclusionary time out procedures must be documented in a written log. Documentation of each incident of the use of time out must include:
  - a. Student name
  - b. Date, time, and duration of time out
  - c. Description of episode resulting in time out (e.g., behavior, activity and setting, other students involved, staff person initiating time out, etc.)
  - d. Type of time out used
  - e. Less restrictive interventions attempted
  - f. Staff monitoring student during time out
  - g. Teacher signature or initials

## Appendix D PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

### Purpose

This policy specifically addresses behavioral interventions and supports which are permissible and impermissible for use as classroom management, individual behavior intervention, and emergency/crisis management strategies for students served in Exceptional Student Education (ESE). The Volusia Behavior Initiative provides processes and proactive practices related to behavioral intervention and support at all levels, including school-wide behavioral support, targeted group interventions, and individual student interventions. The Volusia County Problem Solving Team process, which explicitly includes Response to Intervention as a component, provides a framework for behavioral assessment and proactive intervention for students not identified as having a disability under Individuals with Disabilities Education Improvement Act (IDEA-04).

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

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(e.g., asking for help instead of escaping a specific task, interrupting appropriately to gain attention instead of out of seat behavior);
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(e.g., reading, communication skills, relaxation strategies, anger management skills).
  3. using instructional prompts  
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- C. Functional Strategies - management of consequences to increase the use of appropriate alternatives to problem behavior and to decrease or minimize the payoff for problem behavior. Useful strategies include, but are not limited to:
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(e.g., provide corrective feedback, withhold identified pay off for problem behavior, time out\*, redirect to another activity, physically block an inappropriate behavior);
- \*See Section V of this Appendix for specific procedures for use of time out.*
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### **PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT**

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- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports
  - Vehicle safety restraints when used as intended during transport of a student in a moving vehicle
  - Restraints for medical immobilization
  - Orthopedically prescribed devices that permit a student to participate in activities without risk of harm
- C. **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

- D. noxious substances, toxic, or otherwise unpleasant sprays or mists (including water sprays), or substances released in proximity of the student's face or body;
- E. deprivation of health-sustaining necessities, including meals, water, access to toilet facilities, or prescribed medication;
- F. series of suspensions that constitute a change of placement as defined by IDEA-04;
- G. interventions designed to ridicule the student;
- H. Mechanical restraint as defined in Section II., B.
  - 1. Medical or therapeutic equipment and/or other mechanical devices (i.e. standers, side-lying equipment, specialized chairs, specialized strollers, splints, etc.) may only be used for the intended purpose for which the device was designed and must be prescribed by the appropriate medical or related service professional, such as a physical therapist, occupational therapist, or medical doctor.
  - 2. When determined appropriate by above criteria, the use of such equipment and/or devices should be documented in the student's Individual Education Plan (IEP).
  - 3. Children positioned in prescribed devices should never be left alone and should always be engaged or monitored with proximity and visual gaze for safety reasons. Upon dismissal from therapy, the physical or occupational therapist may prescribe continued use of equipment.
  - 4. Medical or therapeutic equipment should be stored outside of the learning environment when no longer required to meet a student's needs as prescribed by the appropriate medical or related service professional.
- I. The unwarranted use of drugs or other medical interventions, where "unwarranted" means not justified by, and prescribed by a physician, for any reasonable medical purpose related to the student.

#### ***IV. Physical Restraint and Crisis Management Procedures***

- A. An emergency is any condition or situation that poses immediate and significant threat to the physical safety of the student and/or others.
- B. Emergency interventions may not be used as a substitute for an individual BIP. Such interventions should only be used in emergency situations when an immediate and significant threat to the physical safety of the student and/or others exists. Physical restraint should only be used for the period of time needed to contain the behavior of concern and eliminate the threat of harm to self and/or others.

## **Appendix D**

### **PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT**

#### **C. In response to emergency situations:**

1. Restraint may only be used in emergency situations that cannot be immediately and effectively prevented or stopped by less restrictive interventions. This need is determined to exist when other less restrictive interventions have proven to be, or in the reasonable judgment of trained staff will be, less effective in containing the behavior.
2. Restraint may not be used as punishment. The purpose of emergency interventions is to protect the student and/or others from harm.
3. Following any instance when restraint is used, the student should be checked to ensure he or she has not been injured.
4. Training in district approved crisis management techniques is required for staff who will be implementing physical crisis intervention procedures. VCSB has adopted Nonviolent Crisis Intervention (NCI), a program which includes preventative strategies, de-escalation techniques, physical restraint techniques, and postvention strategies.
  - a. In the instance when trained staff is not present during an emergency situation, staff should use the school's crisis/security plan to immediately report the emergency and access trained staff to respond to the situation.
  - b. If staff members who have not received training are confronted with an emergency situation that poses immediate and significant threat to the physical safety of a student or others, staff should be guided by Florida Statutes and rules in the Florida Administrative Code regarding the use of reasonable force to maintain a safe and orderly learning environment.
5. When physical restraint is used to intervene in an emergency situation, staff must follow parent notification, documentation, and reporting procedures outlined in Part I. General Policies and Procedures, Section A: Legal Requirements of this document.
6. An individual BIP developed from a FBA must be developed for any ESE student who required the use of physical crisis intervention procedures two times or more\_within twenty school days. If a student already has a BIP, it must be reviewed to determine the need for any further assessment and/or revisions to interventions and supports included in the BIP.

#### ***V. Procedures for Use of Time Out***

Time out is a behavior reduction procedure in which, for a short period of time, a student is unable to access reinforcement that is maintaining a predefined, inappropriate behavior. The procedure is terminated when the disruptive behavior has ceased and appropriate behavior has been demonstrated for a predetermined amount of time.

Time out should be distinguished from the following strategies which are also acceptable:



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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

1. “time away” or taking a break which is initiated by the student to regulate his/her own behavior;
2. allowing a student to regain composure by moving the student to an alternate location, such as a conference room, office, or empty classroom, in order to remove him or her from circumstances within the classroom or setting which are escalating or maintaining the student’s inappropriate behavior. The student must be in view of a staff member or monitored at all times. A student *may not be secluded as defined in Section II, C*. The student must be able to be safely escorted/transported to the new location using NCI techniques and strategies. The student may remain in the area until he or she has regained composure.

There are several forms of time out which vary in levels of restrictiveness. **To minimize the risk of injury or other side effects, seclusion time out and time out rooms are prohibited in Volusia County Schools.** Impermissible forms of time out also include any procedure that is implemented using rooms, boxes, or other structures from which a student cannot readily exit. This includes, but is not limited to, implementation of time out in rooms or areas which are locked or barricaded to block a student’s exit, bathrooms, or areas used for storage.

- A. Permissible forms of time out are listed below from the least restrictive to most restrictive form. These include:

1. Nonexclusionary Time Out –

In this form of time out, a student does not have the opportunity to receive reinforcement for a specified period of time, but is not removed from the setting or an activity. The advantage of this type of time-out is that it attempts to keep the student engaged in the ongoing activity in the classroom. When he or she has demonstrated acceptable behavior for a previously specified amount of time (e.g., thirty seconds, one minute), the student may again access reinforcement for appropriate behavior.

- a. Planned ignoring is the least intrusive form of nonexclusionary time out. It involves deliberate withholding of attention, verbal interaction, and physical contact for a short duration, as a consequence for an infraction. Generally, this is the removal of teacher attention from a student when the student exhibits inappropriate behavior. This technique is effective when teacher attention is the goal/function of the problem behavior.
- b. Contingent observation is a slightly more intrusive form of nonexclusionary timeout, in which the student must sit on the periphery of the ongoing activity for a brief period of time, during which the student cannot access reinforcement. The student continues to observe the appropriate behaviors of his/her peers being reinforced.

2. Exclusionary Time Out -

This form of time out involves removing a student from an activity for a period of time, but not from the classroom. *The student must remain in full view of instructional staff.* The student is not allowed to view or be involved in any activity for a specified amount of time. The time out procedure is terminated when the student demonstrates acceptable behavior for a previously determined amount of time (e.g., one minute, two minutes).

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### PROCEDURES FOR BEHAVIORAL INTERVENTION AND SUPPORT

#### A. Implementation of Time Out

1. Time out should only be used as a part of comprehensive individual behavioral plans and/or classroom management programs, designed to teach replacement behaviors. Planning and consideration of the following should occur:
  - a. operationally define behaviors(s) for time out;
  - b. determine initiation, duration, and termination of time out procedures;
  - c. develop transition procedures that allow the student to return to classroom;
  - d. define the types of time out to be used and plans for supervision;
  - e. clearly communicate plans to reinforce replacement behaviors to the student, parent, and all who will implement the procedures;
  - f. ensure that the student understands the purpose and rules for time out and what is expected to return successfully to the classroom activity;
  - g. monitor the use of time out to be certain it is effectively de-escalating disruptive behavior.
2. Less restrictive interventions and forms of time out should be used first. If less restrictive interventions and forms of time out have proven to be, or in the reasonable judgment of trained staff will be, less effective in weakening or stopping misbehavior, more restrictive forms of permissible time out procedures may be used. Transition to less restrictive forms of time out may occur once disruptive behavior begins to de-escalate. This may make the return to typical classroom activities easier on the student.
3. Students must be monitored or be within view of a staff member at all times while in any form of time out.
4. The use of time out for an individual student should be monitored for effectiveness. Information collected regarding the use of time out as an intervention should be used to analyze the effectiveness of the procedure in changing the behavior of an individual student. If a change of behavior is not noted within a reasonable period, the use of time out should be reviewed to determine whether the intervention should continue to be implemented or if there should be changes to its implementation.
5. Use of exclusionary time out procedures must be documented in a written log. Documentation of each incident of the use of time out must include:
  - a. Student name
  - b. Date, time, and duration of time out
  - c. Description of episode resulting in time out (e.g., behavior, activity and setting, other students involved, staff person initiating time out, etc.)
  - d. Type of time out used
  - e. Less restrictive interventions attempted
  - f. Staff monitoring student during time out
  - g. Teacher signature or initials

# District BPIE

## Indicator Rating Tally Sheet

4-64-1840

District: Volusia

District Contacts/Title: Nancy Redmond, Director, ESE/Student Services

Date Completed: March 4, 2016

Jennifer Kelly, Coordinator, ESE

Participant Name	Title/Role	Participant Name	Title/Role
1. Teresa Marcks	Chief Academic Officer	2. Barbara Head	Executive Director, K-12
3. Nancy Redmond	Director, ESE/SS	4. Mary Alice Myers	Assistant Director, ESE/SS (Programs)
5. Lindsey Granger	Assistant Director, ESE/SS (Compliance)	6. Jennifer Kelly	Coordinator, ESE Low Incidence
7. Lida Grillo	Coordinator, ESE Elementary	8. Kathryn Dyer	Coordinator, School Improvement/PD
9. Patricia Stickford	Program Specialist, Pre-K	10. Lori Phillips	Program Specialist, Secondary ESE
11. Sheila Harlacher	Program Specialist, ASD/Family Support	12. Leslie Frazee	Principal, Pride Elementary
13. Patricia Corr	Principal, Galaxy Middle	14. Kristina Williams	Teacher, Elementary ESE (Access)
15. Jennifer Samar	Teacher, Elementary (VE)	16. Jennifer Carpenter	Parent
17. Melissa Bisesi	FDLRS	18. Jackie Dwyer	FDLRS and Parent
19. Carl Coalson	SEDNET	20. Janet Good	PS/Rtl - Technology
Invited, but unable to attend:			
21. Franklin Coker	Coordinator, ESE Secondary	22. Jennifer Taylor	Specialist, PD/Gen Ed Core Content
23. James Tager	Principal, Atlantic High	24. Michelle Larrimore	Teacher, Gen Ed Elementary
25. Philip Timothy	Teacher, Gen Ed Secondary		

FIN Facilitators: Bill Pearlman, Elaine McCann, Tara Bowen, Katie Kelly

## BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.			F	<p>2014-15 LEA indicator 5, FAPE in the LRE, children with IEPs ages 6-21: regular class placement is 71%, target of <math>\geq 77\%</math> not met; separate class placement is 14%, target of <math>\leq 10\%</math> not met; , other separate environment is 1%, target met of <math>\leq 2.00\%</math></p> <p>The standard diploma graduation rate for students with disabilities for the three year period from 2011-12 through 2013-14 has shown steady growth and has exceeded the state average each of those years.</p> <p>Program specialists go into schools to help analyze data and determine if students' setting can be modified; applies in pre-k setting as well. District analyzes data as part of School Improvement Plans. Changes implemented based on reflection of data.</p>
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		<p>No center schools within the district, but there are cluster sites so those sites may indicate a higher concentration and disproportionality. Parent indicated it is happening fully in her experience. Trying to move students off special diploma onto regular diploma only one school was including students in performing arts.</p> <p>Inclusion may not be consistently recognized as a focus among all schools.</p>

## Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PA		No more center schools but still have cluster sites which means SWDs may be passing through multiple school zones to get to school. There may not be equitable opportunity for all SWDs to receive an education in their neighborhood school. Feeder patterns exist to keep students closer to their home school.
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.			F	2014-15 LEA indicator 6, FAPE in the LRE, children with disabilities ages 3-5 in settings w typically developing peers, is 53%, an increase from the previous year of 51%, and considerably higher than the state average of 27% and the 2014-15 target of 29%; target met. Those served in a special ed class, separate school or facility is 37%, which is considerably lower than the state average of 51%; target met. Even though target is exceeded, the emphasis on pre-K may still provide opportunity for growth.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.			F	Pre-K district staff works diligently to assist principals in allocation. Allocations for in class service delivery, especially at the secondary level, may need improvement. Units may be allocated based on support facilitation more than co-teach models and this may represent an opportunity. More creativity needed to increase “touches” relative to the number of students. LEA data reflect that the number of students in resource rooms is higher than expected, which represents an opportunity.

## Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.		PA		Need more staff who are skilled at district level. School staff may not have access to data to compare schools. Agreement about skilled staff but there is a need for more of them within the district so they can more fully communicate with all of the schools. There may be need to expand co-taught opportunities.
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PM		Classroom teachers may have difficulty getting access to behavior specialists, leading to escalation of behavior problems. District reports that they do have key personnel available but resources may be in short supply. District recognizes a greater need for PD for all staff, including classroom management. District provided CHAMPS training for some Gen Ed and ESE teachers. Some schools have SIP goals related to behavior for all students.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PM		LEA profile data demonstrate that students with disabilities were twice as likely as their nondisabled peers to be suspended/expelled for greater than 10 days. More recent data is trending positively. CHAMPS training has included Gen Ed teachers, indicating positive growth. Training needs still exist, perhaps especially as it relates to students with ASD.
9. District policies and student transportation schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same daily schedule as students without disabilities, except for those SWDs who have an IEP indicating a shortened school day.			F	Arriving and leaving at the same time, but bus rides may be excessively long, although Gen Ed students may experience a similarly long ride. It was reported that, at least at the secondary level, some SWDs are dismissed earlier than non-disabled peers. Some students in transition (homeless) may leave early due to length of required travel.

## Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PA		Articulation process in place for school to school appears successful. Annual reviews and data trends are applied with fidelity. Concerns expressed related to transition from district to district and records transfer. From primary to secondary services may be more related to available services and not appropriate level of service. Inclusive scheduling may assist in this area. FDLRS regional staff facilitates transfer of assistive technology.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.		PB		A couple of years ago questions were added during job fairs, but this may only apply to instructional positions. District may request questions from FIN.

## Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.		PM		<p>2014-15 LEA indicator 5, FAPE in the LRE, children with IEPs ages 6-21: regular class placement is 71%, target of <math>\geq 77\%</math> not met; separate class placement is 14%, target of <math>\leq 10\%</math> not met; other separate environment is 1%, target met of <math>\leq 2.00\%</math>.</p> <p>2014-15 LEA indicator 6, FAPE in the LRE, children with disabilities ages 3-5 in settings w typically developing peers, is 53%, an increase from the previous year of 51%, and considerably higher than the state average of 27%. Those served in a special ed class, separate school or facility is 37%, which is considerably lower than the state average of 51%.</p> <p>The district has a student progression plan. The district generates reports that measure outcomes by school which is accessible by administrators and teachers.</p>
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PM		<p>PD is occurring with limited participation. The 20 hour requirement helps. Time &amp; venues present challenges for ongoing PD. Percentage of secondary special area and GE teachers attending PD on inclusive practices are low. Teachers who attend PD are engaged and appreciate the professional learning opportunities.</p>
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PM		<p>Teachers are learning by attending IEP meetings; intentional trainings could be amplified. PD and TA is more reactive than proactive. The district has an IEP goal bank that is aligned to Florida Standards. PD offers strategies. Teachers learn "on the fly".</p>



## Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible (inclusive) scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PM		Inclusive scheduling is occurring in elementary; Inclusive scheduling could be more consistently applied in the secondary arena.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional <i>and</i> behavioral interventions for all SWDs in general education and natural contexts.		PA		Proved more support in the application and analyze of data in GE. At the Pre-K level tools to access progress has been robust. Assessment and accountability office has provided assistance with looking at and interpreting data. Aggregated data is getting to the administrator level but needs improvement on getting to the teacher level.
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PA		The continuum of service delivery is represented at some schools. The district provides PD on collaborative teaching. FDLRS is training a UDL cadre for the district.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			F	Access through technology is occurring. Schools might improve by using available technology on their campuses first before requesting technology form the district. The level of equipping schools and parents has improve greatly over the years. Technology teams have systematically sustained and improved their knowledge and support to schools and families.
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.			F	Environmental communication training that involves families and speech and language in a yearlong course. The course has been offered since 2001. Communication of nonverbal students is a major focus of this group. Devices are travel between school and home by VAT members. Vat members provide PD to teachers and families.

## Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		Changes in graduation options are helping the district meet this indicator. Professional learning with proper supports are challenges for students with more complex needs being placed in general education setting.
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		Resources are used to include students with disabilities on trips (example: Bus with lift was employed so a student could take the Washington DC trip). Some parents are not aware that resources are available to send SWDs on field trips/off campus opportunities; parents of SWDs are often asked to attend the trip. Project Unify- peers partner with SWDs for Special Olympics.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PA		Project Unify- peers partner with SWDs for Special Olympics. Seabreeze High school best buddies- "Spread the word to end the word" campaign. A parent indicated that a peer/buddy support could be done better. Anti-bullying and character education respond positively to this indicator (includes 4 elementary and 1 middle school).
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.		PA		Grading policy and student progression plan indicate ALL students are eligible for awards and recognition. A parent reports that behavior can eliminate a student from recognition. SWDs are getting art awards, athletic recognition, and getting voted as prom kings and queens.

## Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PM		At least once per year a link to person first language is distributed district wide. County documents have been reviewed to reflect person first language. Students may sign pledges. Currently working to change job descriptions to reflect person first language.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PA		County documents and job descriptions are being modified. Documents and forms are mostly in compliance. Other communication (email) may be an opportunity for growth.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.		PA		2013-14 LEA 8a Parental Involvement of preschool children is 87%, target met of $\geq 75\%$ . LEA 8b Parental Involvement of K-12 students is 80%, target met of $\geq 75\%$ . Parent reports that resources are available, but not fully implemented. District could perhaps provide additional opportunities to further what is already offered. Information is provided and consultants are brought in to enhance current offerings. Autism Navigator is a home based program that works with parents; currently about 10 children included. Secondary offers job coaching and university night. Assistive technology available.
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PA		Parent survey results from LEA Profile shows high results. Pre-K has a component as well. Parenting classes may be school based. Ongoing problem solving is providing facilitative IEP training to make sure the parent voice is heard.

## Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PA		Annual survey. ESE Advisory includes parents, administrators, school based staff and community members. More growth is expected as schools complete their BPIEs. District reports that they work hard to ensure that parents are active participants in IEPs.
29. District disseminates information to all families in the same manner and at the same time.			F	Code of conduct. School rules. Parent indicated she's in agreement with "fully" rating.
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		LEA 14a is 34%, target met of $\geq 29\%$ of youth exiting in 2012-13 w IEPs in effect at the time they left secondary school were found enrolled in higher education within 1 year of leaving high school. LEA 14b is 50%, target met of $\geq 42\%$ of youth exiting in 2012-2013 who had IEPs in effect at time they left school were found in higher education or competitively employed within one year of leaving high school. LEA 14c is 59%, target met of $\geq 54\%$ in postsecondary education or training program or competitively employed or in some other employment within one year of leaving high school. District is actively pursuing participation, but it may not always be welcome by postsecondary institutions. The end result may not be for lack of trying. Project Search has been initiated. Dual enrollment is strong but based on grade point average and SWDs may not be actively participating.

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Priority Indicators: 11,13,17

Comments from Nancy Redmond: Districtwide key concerns are to move indicators directly involved with graduation data, and concerns related to getting more SWDs into postsecondary opportunities.

**Additional Comments/Notes:**



## District FIN Services Plan (FSP)

4-64-1841

**District:** Volusia

**Initial FIN Services Plan Date:** May 26, 2016

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEES) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to  $\geq 85\%$ , decrease separate class placement of students with disabilities to  $\leq 6\%$ , and decrease other separate environment placement of students with disabilities to  $\leq 1\%$ , resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

### District Contact Information:

Volusia County Schools  
Deland Administrative Complex  
200 North Clara Avenue  
Deland, FL 32721

### Team Members/Titles:

Barbara Head, (by phone) Executive Director, K-12 Curriculum  
Kim Gilliland, incoming ESE/SS Director  
Mary Alice Myers, ESE/SS Assistant Director  
Lida Grillo, ESE Coordinator, Elementary VE  
Franklin Coker, ESE Coordinator, Secondary VE  
Jennifer Kelly, ESE Coordinator, Low Incidence  
Leslie Frazee, Principal – Pride Elementary School

### District Assessment and Planning Dates:

- *Best Practices for Inclusive Education (BPIE)* Self-Assessment Date: March 4, 2016
- Scheduled FSP Review Dates:

## District FIN Services Plan (FSP)

<p>Kathryn Dyer, Coordinator, School Improvement Planning</p> <p>Elaine McCann – FIN Facilitator</p> <p>Bill Pearlman – FIN Facilitator</p>				
LEA Profile/ State Strategic Plan Indicators	Current District Data	State      Targets	District Targets	<b>District-Specific Data:</b> Other current and specific data to support the need for improvement: <i>BPIE</i> self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	2013-14=73% 2014-15=71% 2015-16=75%	2013-2014: ≥ <b>74%</b> 2014-2015: ≥ <b>77%</b> 2015-2016: ≥ <b>79%</b> 2016-2017: ≥ <b>82%</b> 2017-2018: ≥ <b>83%</b> 2018-2019: ≥ <b>85%</b>	2016-2017: 79% 2017-2018: 83%	
Indicator 5b/Separate class placement:	2013-14=14% 2014-15=14% 2015-16=13%	2013-2014: ≤ <b>11%</b> 2014-2015: ≤ <b>10%</b> 2015-2016: ≤ <b>9%</b> 2016-2017: ≤ <b>8%</b> 2017-2018: ≤ <b>7%</b> 2018-2019: ≤ <b>6%</b>	2016-2017: 12% 2017-2018: 11%	
LEA Profile/ State Strategic Plan Indicators	Current District Profile Data	State      Targets	District Targets <b>2013-2014</b>	<b>District-Specific Data:</b> Other current and specific data to support the need for improvement: <i>BPIE</i> self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5c/Other separate environment:	2013-14=1% 2014-15=1% 2015-16=2%	2013-2014: ≤ <b>2.25%</b> 2014-2015: ≤ <b>2.00%</b> 2015-2016: ≤ <b>1.75%</b> 2016-2017: ≤ <b>1.50%</b> 2017-2018: ≤ <b>1.25%</b> 2018-2019: ≤ <b>1%</b>	2016-2017: 1.75 % 2017-2018: 1.50%	

## District FIN Services Plan (FSP)

<b>Indicator 3c/Reading:</b> <a href="http://schoolgrades.fldoe.org/">http://schoolgrades.fldoe.org/</a> District AMO data:							2016-2017: % 2017-2018: %	
	12-13	13-14	14-15	15-16		2017-2018: >71%		
SWD	22%	23%	19%					
All Stud	56%	56%	52%					
<b>Indicator 3c/Math:</b> <a href="http://schoolgrades.fldoe.org/">http://schoolgrades.fldoe.org/</a> District AMO data:							2016-2017: % 2017-2018: %	
	12-13	13-14	14-15	15-16		2017-2018: >72%		
SWD	25%	27%	26%					
All Stud	57%	59%	55%					

<b>District BPIE Priority Indicator(s)</b> (see BPIE Tally Sheet, if applicable):11, 13,17 <b>Indicator 11:</b> All district departments and schools use job interview questions to appraise an applicant’s knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.  <b>Indicator 13:</b> District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.	<b>State Strategic Plan Indicator(s): 5</b>
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## District FIN Services Plan (FSP)

<b>Indicator 17:</b> District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.					
<b>GOAL 1:</b> At the school level, establish multi-tiered systems of support that analyzes degree of consensus, strength of infrastructure and support for implementation of best practices in inclusive education to increase percentage of students with disabilities ages 6-21 served in a general education class setting from 75% (Indicator 5a) toward the 2016-17 state goal of 82%.					
<b>Goal 1 Action Steps:</b>	<b>By Whom:</b> (FIN, District, Other Special Project)	<b>By When:</b> (Deadline for Completion– Month/Year)	<b>By What:</b> (What tool or criteria will be used to measure status?)	<b>Follow-up:</b> (Measurable and aligned with each action step)	<b>Status:</b> (Completed, in-progress, revised, additional goal/action step)
Collect and analyze data to tier schools by state LRE data.	District, FIN, FDLRS	May, 2016	LRE	Each school will be categorized in tier 1,2 or 3 based on LRE cut scores.	<b>met</b>
Update and refine district collection of LRE data and cut scores for tiering to reflect how the state collects and reports LRE.	District	December, 2016	CrossPointe, ESE 0007	Each school will be categorized in tier 1,2 or 3 based on LRE cut scores.	
Collect and analyze data to identify trends in priority indicators from School BPIE Assessments.	District, FIN, FDLRS	August, 2016	School BPIEs	Intensity and duration of supports (PD, TA, coaching visits) available in each tier will be defined in order to strategically align resources with needs.	

## District FIN Services Plan (FSP)

Use diagnostic assessment to determine present level of performance in relation to the process of managing complex change that route schools to prescriptive professional development and technical assistance that advance inclusive best practices.	FIN, District		Surveys routing schools to PD and TA that: <ul style="list-style-type: none"> <li>• Build consensus</li> <li>• Strengthen infrastructure</li> <li>• Support implementation</li> </ul>	FIN builds capacity in district personnel through Training of Trainers in order to: <ul style="list-style-type: none"> <li>• Build consensus</li> <li>• Strengthen infrastructure</li> <li>• Support implementation</li> </ul>	
<b>Notes/Comments</b> (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): FIN’s list of suggested interview questions related to inclusive attitudes and practice was sent to Jennifer Kelly. Discussion followed about contacting Dana Paige-Pender in HR to consider how the interview questions will be implemented across the district.					

<b>District BPIE Priority Indicator # 17:</b> District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.			<b>State Strategic Plan Indicator(s):</b>		
<b>GOAL 2:</b> The gradual release model will be used to build capacity in district personnel to facilitate the Inclusive Scheduling process in schools, focusing on analyzing trends in student data in order to determine the intensity of support necessary for student success in the least restrictive environment.					
<b>Goal 2 Action Steps:</b>	<b>By Whom:</b> (FIN, District, Other Special Project)	<b>By When:</b> (Deadline for Completion–Month/Year)	<b>By What:</b> (What tool or criteria will be used to measure status?)	<b>Follow-up:</b> (Measurable and aligned with each action step)	<b>Status:</b> (Completed, in-progress, revised, additional goal/action step)

### District FIN Services Plan (FSP)

Volusia key personnel will facilitate and maintain the inclusive scheduling process with FIN guidance and support as needed.	FIN, FDLRS, District	June, 2018	LRE and school master schedules		
<b>Notes/Comments:</b> Current district data suggests 5a LRE =68%, which includes 3-5 year olds as well. Students participating in community based instruction must be coded correctly to show time with non-disabled peers.					

***Our Mission:*** *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*