

Exceptional Student Education

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A. Overview

The Exceptional Student Education (ESE) Department of Volusia County Schools provides special education services to students who may be gifted or have physical, sensory, intellectual, behavioral, or communication exceptionalities. It provides a free, appropriate public education in the least restrictive environment. The educational placement of a student is determined by an Individual Education Plan (IEP) committee and is based on the needs of the student.

A continuum of placement options for students with mild, moderate, or severe exceptionalities is provided. Students with mild/moderate exceptionalities are typically educated in their neighborhood/zoned school through the following settings: consultation, support facilitation, co-taught, small group, or separate class. The students most commonly served in the ESE programs are students with learning disabilities, emotional/behavioral disorders, mild mental handicaps, and autism spectrum disorders.

Students with moderate/severe exceptionalities may require more intensive and specialized programs to meet their needs. Volusia County has identified cluster schools that provide specialized instruction and services to meet the needs of these students. Students served in these programs may be identified with the following exceptionalities: Hearing Impaired, Language Impaired, Mentally Handicapped, Emotional/Behavior Disorders, Multiple Handicaps, and Autism Spectrum Disorders.

For more information, refer to the [Exceptional Student Education](#) website.

B. ESE Programs Requiring a Social History Report

1. Autism Spectrum Disorder (ASD)

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

2. Deaf or Hard-of-Hearing (DHH)

A DHH student is defined as a student who is deaf or hard-of-hearing with 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.

3. Dual-Sensory Impaired (DSI)

A DSI student has dual-sensory impairments affecting both vision and hearing, the combination of which causes a serious impairment in the abilities to acquire information, communicate, or function within the environment, or who has a degenerative condition which will lead to such an impairment.

4. Emotional/Behavioral Disabilities (EBD)

An EBD student is a student that has an emotional/behavioral disability with 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.

5. Intellectual Disability (ID)

An Intellectual Disability is defined as significantly below average general intellect and adaptive functioning manifested during the developmental period with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

C. ESE Programs that may Require a Social History Report

A social history is not required for initial placement in the following programs; however, if a student is already receiving services under one of these exceptionalities, the ESE committee may request a social history if they are considering another exceptionality or additional services:

1. Developmentally Delayed (DD)

A student who is developmentally delayed is defined as a child from birth through five years of age who has a delay in one or more of the following areas:

- a) Adaptive or self-help development,
- b) Cognitive development,
- c) Communication development,
- d) Social or emotional development,
- e) Physical development including fine, or gross, or perceptual motor.

2. Established Conditions

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

3. Gifted

A gifted student has superior intellectual development and is capable of high performance.

4. Hospital/Homebound

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and 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.

5. Language Impaired

A language impairment is a developmental language disorder that can affect both expressive and receptive language.

6. Orthopedically Impaired

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

7. Other Health Impaired (OHI)

OHI 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, which 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.

8. Specific Learning Disability (SLD)

SLD refers to a heterogeneous group of psychological processing disorders manifested by significant difficulties in the acquisition and use of language, reading, writing, or mathematics. These disorders are intrinsic to the individual and may occur across the life span. Although specific learning disabilities may occur concomitantly with other handicapping conditions or with extrinsic influences, the disabilities are not primarily the result of those conditions or influences.

9. Traumatic Brain Injury (TBI)

A TBI 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.

10. Visually Impaired

Students who are visually impaired include the following:

- a student who is blind, has no vision, or has little potential for using vision
- a student who has low vision

The term visual impairment does not include students who have learning problems that are primarily the result of visual perceptual and/or visual motor difficulties.

Excerpts for special programs are found in the [Florida Statutes and State Board of Education Rules](#) (Vol. I-B), Revised 2009, or on the [Florida Administrative Weekly & Florida Administrative Code](#) website. Click on the rule number to see the detail of the rule.

| Code | Exceptionality |
|-------------|--|
| C | Orthopedically Impaired |
| F | Speech Impaired |
| G | Language Impaired |
| H | Deaf or Hard of Hearing |
| I | Visually Impaired |
| J | Emotional/Behavioral Disability |
| K | Specific Learning Disability |
| L | Gifted |
| M | Hospital / Homebound |
| O | Dual-Sensory Impaired |
| P | Autism Spectrum Disorder |
| S | Traumatic Brain Injured |
| T | Developmentally Delayed |
| U | Established Conditions |
| V | Other Health Impaired |
| W | Intellectual Disability |
| Z | Not Applicable |

D. Reevaluation

Reevaluation is the process of gathering and reviewing information, in accordance with Section 300.533 of Title 34 of the [Code of Federal Regulations](#) (CFR), to determine:

- if a student continues to have a disability
- the present levels of performance and educational needs of the student
- whether the student continues to need special education and related services
- whether any additions or modifications to special education and related services are needed to enable the student to meet the measurable annual goals on the IEP and to participate, as appropriate, in the general curriculum

According to the ESE Special Policies and Procedures Manual (SP&P) dated 2009-2012, a reevaluation is conducted if the student's condition warrants a reevaluation, the student's parent or teacher requests a reevaluation, or if dismissal from ESE is being considered, but at least once every three years.

When conducting a reevaluation review, the IEP team reviews existing data on the student, including evaluations and information provided by the student's parents, current classroom-based assessments, and observations by teachers and related services providers. The IEP team may conduct this review without a meeting. If this occurs, there must be documentation to verify that all required personnel conducted the review.

Based on the review described above, the Individual Education Plan (IEP) team makes a decision regarding the need for additional data. The need for a Social History Update will be determined by the reevaluation committee in consultation with the school social worker. Reevaluation for the ESE programs in Section C (above) may require a Social History Update.

If it is determined that additional data are needed, parental consent must be obtained, and appropriate tests and other evaluation instruments must be administered. If the parents fail to respond to reasonable attempts to obtain consent, informed parental consent is not required for reevaluation. Documented reasonable attempts include:

- 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, **and**
- detailed records of visits made to the parent’s home or place of employment and the results of those visits.

Since social history interviews are conducted with the parents/legal guardians, the social history report can only be completed if they are willing to participate in the interview. Written parent consent must be obtained at the time of the interview.

Upon completion of the evaluation, an IEP meeting is conducted to discuss those results and revise the student’s IEP, as appropriate.

For further information about the reevaluation process, refer to the [*Technical Assistance Paper: Reevaluation Procedures for Students with Disabilities*](#), Revised May 2000.

E. Standardized Assessments

School districts are responsible for using the current edition of the instrument and administering evaluation instruments in accordance with the test publisher’s instructions, [*Individuals with Disabilities Education Act*](#) (IDEA) evaluation procedures ([*34 CFR 300.304*](#)), and ethical/professional standards (i.e., *Standards for Educational and Psychological Testing*).

IDEA requires that school districts use a variety of assessment tools and strategies to gather information, use technically sound instruments, and not use any single assessment tool as the sole criteria for determining eligibility. The evaluation procedures used should assist in determining whether the student is a student with a disability, and the educational needs of the student. Standardized evaluation instruments (i.e., test instruments listed) should be used in conjunction with informal assessment strategies, data used in monitoring student progress and response to intervention, and with other available evaluation data when making decisions about eligibility and educational need. Below is a very small sampling of some of the commonly used tests grouped by area of evaluation.

1. Intellectual and Cognitive Ability

Stanford-Binet Intelligence Scale–Fifth Edition (SB5)
Woodcock-Johnson Tests III of Cognitive Abilities (WJIII)
Wechsler Intelligence Scale for Children–Fourth Edition (WISC-IV)

2. Achievement

Kaufman Test of Educational Achievement–Second Edition (KTEA-II)
Wechsler Individual Achievement Test–Second Edition (WIAT-II)
Woodcock-Johnson III Tests of Achievement (WJ-III)

Note: Cluster scores/composite scores are required for placement rather than individual subtest scores.

3. Social/Emotional and Behavioral

Beck Youth Inventories–Second Edition (BYI-II)
Behavior Assessment System for Children–Second Edition (BASC-II)
Conners Comprehensive Behavior Rating Scale (Conners CBRS)

4. Reading/Oral and Written Language

Clinical Evaluation of Language Fundamentals–Fourth Edition (CELF-4)
Dynamic Indicators of Basic Early Literacy Skills (DIBELS)
Expressive One-Word Picture Vocabulary Test–Revised (EOWPVT-R)
Oral and Written Language Scales (OWLS)
Receptive One-Word Picture Vocabulary Test (ROWPVT)

Note: Additional information regarding evaluation of students can be obtained from the [School Psychological Services](#) website. Furthermore, a comprehensive list of tests/evaluations can be found in the district's *SP&P Manual 2009-2012*.

F. Functional Behavioral Assessment

Functional Behavioral Assessment (FBA) is a problem-solving process that leads to a useful understanding of why a student engages in challenging behavior. The process identifies the specific contexts in which a behavior does and does not occur, as well as the function(s) or purpose(s) that the behavior serves for the student. This information is necessary to design effective *positive* behavioral interventions to address problems of individual students.

By identifying the specific contexts in which behavior problems occur, as well as the features of those contexts, environmental changes can be made to reduce or prevent the occurrence of problem behavior. By determining the function or purpose of the student's problem behavior, the student can be taught appropriate alternative behavior(s) that serve the same purpose as the inappropriate behavior.

According to IDEA, state regulations/recommendations, and Volusia County's SP&P, a FBA should be conducted and an individual Behavioral Intervention Plan (BIP) should be developed and implemented when:

- a student's behavior impedes the learning of himself or others (i.e., behavior that places the student or others at risk of injury or devaluation, results in substantial destruction or loss of property, or exclusion from participation in settings and activities with peers)
- a student has been suspended for 10 cumulative days during one school year
- a student's behavior has required the use of physical crisis management procedures twice in 20 school days
- a change of placement is considered due to a student's behavior

A behavioral support team is developed to complete the assessment and develop a BIP. The behavioral support team should include parents/guardians and other individuals knowledgeable of the student's behavior and special needs. Additionally, people who have special areas of expertise or who are knowledgeable about resources and support services may be needed. Team members might include: family members, teachers, therapists, administrators, school counselor, representative from community agencies, behavior specialist, school psychologist, school social worker, and others. The school social worker may assist with the information-gathering process by conducting interviews (frequently with parents), reviewing student records, linking parents to outside resources and agencies, and conducting direct observations (i.e., [Functional Behavioral Assessment: ABC Recording](#) [form 2002087], etc., when trained).

Note: For more information regarding the FBA, refer to the [ESE Teacher Handbook](#) (pages 18-20).

G. Section 504 Plans

Section 504 of the [Rehabilitation Act](#) of 1973 is a civil rights statute which applies to persons with disabilities. A student may be considered "504 eligible" if they have a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment, or is regarded as having such an impairment. Major life activities, under Section 504, includes caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The school social worker may be involved in developing the individualized accommodation plan with the 504 contact person, school counselor, teacher, parent, or student via the Problem Solving process. Section 504 plans are to be reviewed every year with a reevaluation (process) every three years.

Note: For more information regarding 504 Plans, refer to the *Section 504 of the Rehabilitation Act and Americans with Disabilities Act: Procedures for Accommodating Students with Disabilities*.

H. 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 a disciplinary action is examined. This determination will be made within 10 days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct.

In conducting the review, the Individual Education Plan (IEP) team and other qualified personnel consider all relevant information in the student's file, including evaluation and diagnostic information, information supplied by the parents of the student, teacher observations of the student, the student's current IEP, and placement, and any other relevant information. The IEP team then determines whether 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.

If the IEP team determines that the conduct *was* a manifestation of the student's disability, the IEP team will either conduct an FBA and implement a BIP (if one does not exist) or review and modify the existing BIP. The student should be returned 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.

If the IEP team and other qualified personnel determine that the behavior *was not* a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities. However, services are provided in accordance with Rule 6A-6.03312(5), FAC.

If a parent disagrees with the manifestation determination decision made by the IEP team, the parent may request an expedited due process hearing.

Note: Refer to the SP&P Manual 2009-2012 for further information regarding Disciplining Students with Disabilities.

I. Expulsion Proceedings for Students with Disabilities

Parents/guardians of students with a disability shall be advised of their rights to due process/procedural safeguards.

1. School or bus expulsion proceedings against any student who has been properly identified and classified as a student with a disability shall be in accordance with School Board Policy 303, Special Programs and Procedures for Exceptional Students.
2. If a principal refers a student with a disability for expulsion, the superintendent or designee shall convene an Individual Education Plan (IEP) review committee in accordance with applicable law. The IEP committee shall review the appropriateness of the student's Individual Education Plan. The committee shall meet and determine whether the misconduct is a manifestation of the student's ability.
3. If the misconduct is a manifestation of the student's disability, then the student may not be expelled. A change of placement may be initiated providing that all state and federal regulations have been followed including required consent of parents/guardians. Educational services must ensure that the student can continue to appropriately progress in the general curriculum and advance toward achieving their IEP goals.
4. If the misconduct is not a manifestation of the student's disability, the student may be expelled in accordance with the *Code of Student Conduct and Discipline*, however, education services must be continued in accordance with the Individual Education Plan. If the incident is not determined to be a manifestation of the disability, the IEP committee must determine the services necessary to ensure the student can continue to appropriately progress in the general curriculum and advance toward achieving their IEP goals.

Note: Information for this section was taken from the *Student and Family Policy Guide and Code of Student Conduct and Discipline, 2009-2010*.

The role of the school social worker at Expulsion Proceedings for ESE students is as follows:

- serve as a resource person regarding referrals to appropriate community and mental health agencies
- provide information, if known, regarding family history and interpret the impact of family dynamics on the student's functioning
- participate on an interdisciplinary team to review Level 3 and Level 4 discipline offenses referred for school expulsion
- complete a Social and Developmental History for students referred by the DSPC for further study and evaluation
- follow-up to zone school social workers of referrals from DSPC to alternative education and case management