

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

School District

Liberty

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

EFFECTIVE DATE:

2023-2024 through 2025-2026

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 (C.F.R.) §§ 300.201 and 300.641

Sections 1002.22, 1003.57, 1003.571, 1003.573, 1003.574 and 1012.582, Florida Statutes (F.S.)

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

The school district, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures and programs that are consistent with the state policies and procedures established under 34 C.F.R. §§ 300.101 through 300.163 and 300.165 through 300.174.

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

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 for approval.
3. Report to the Florida Department of Education (FDOE) the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by the FDOE.

The Individuals with Disabilities Education Act and 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 school district's ESE P&P document.

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

Section A.2: Legal Requirements Related to the Use of Restraint

Seclusion

School districts and facilities shall prohibit school personnel from using seclusion.

Restraint

1. Authorized school personnel may use restraint only when all positive behavior interventions and supports (PBIS) have been exhausted.
2. Restraint may be used only when there is an imminent risk of serious injury and shall be discontinued as soon as the threat posed by the dangerous behavior has dissipated.
3. School personnel may not use mechanical restraint. This paragraph does not apply to school resource officers, school safety officers, school guardians, or school security guards as described in s. 1006.12, F.S., who may use mechanical restraint in the exercise of their powers and duties to restrict students in grades 6 through 12.
4. Restraint techniques may not be used to inflict pain to induce compliance.
5. Notwithstanding the authority provided in s. 1003.32, F.S., restraint shall be used only to protect the safety of students, school personnel or others and may not be used for student discipline or to correct student noncompliance.
6. The degree of force applied during restraint must be only that degree of force necessary to protect the student or others from imminent risk of serious injury.

Crisis Intervention Plans

1. A team comprised of the student's parent or guardian, school personnel, and applicable physical and behavioral health professionals must develop a crisis intervention plan upon the second time that the student is restrained within a semester.
2. The crisis intervention plan must include:
 - a. Specific PBIS to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;
 - b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and
 - c. A timetable for the review and, if necessary, revision of the crisis intervention plan.
3. The school district must provide a copy of the crisis intervention plan to the student's parent or guardian.

School District Policies and Procedures

1. Each school district shall adopt PBIS and identify all school personnel authorized to use the interventions and supports. Each school district shall develop policies and procedures that are consistent with this section and that govern the following:
 - a. Incident-reporting procedures;
 - b. Data collection and monitoring, including when, where and why students are restrained and the frequency of occurrences of such restraint;
 - c. Monitoring and reporting of data collected;
 - d. Training programs and procedures relating to restraint;
 - e. The school district's plan for selecting personnel to be trained;
 - f. The school district's plan for reducing the use of restraint, particularly in settings in which it occurs frequently or with students who are restrained repeatedly, must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal—activities may include, but are not limited to:
 - i. Additional training in PBIS,

- ii. Parental involvement,
 - iii. Data review,
 - iv. Updates of students' functional behavioral assessments and positive behavior intervention plans,
 - v. Additional student evaluations,
 - vi. Debriefing with staff,
 - vii. Use of schoolwide positive behavior support,
 - viii. Changes to the school environment,
 - ix. Analysis of data to determine trends and
 - x. Ongoing reduction of the use of restraint.
2. Any revisions a school district makes to the policies and procedures pursuant to this section must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within 90 days after the revision.
 3. At the beginning of each school year, each school district shall publicly post its policies and procedures on PBIS as adopted by the school district. (See Appendix D.)

Training

1. Each school district shall provide training to all school personnel authorized to use PBIS pursuant to school district policy.
2. Training shall be provided annually and must include:
 - a. The use of PBIS;
 - b. Risk assessment procedures to identify when restraint may be used;
 - c. Examples of when PBIS techniques have failed to reduce the imminent risk of serious injury;
 - d. Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team;
 - e. Instruction in the school district's documentation and reporting requirements;
 - f. Procedures to identify and deal with possible medical emergencies arising during the use of restraint; and
 - g. Cardiopulmonary resuscitation.
3. Each school district shall publish the procedures for the required training in the school district's policies and procedures manual.

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

Documentation and Incident Reporting

1. A school shall prepare an incident report within 24 hours in the bureau's restraint reporting system, Involuntary Examination, Restraint and Seclusion (IERS), after a student is released from a restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens.
2. The following must be included in the incident report:
 - a. The name of the student who was restrained;
 - b. The age, grade, ethnicity and disability of the student who was restrained;
 - c. The date and time of the event and the duration of the restraint;
 - d. The location at which the restraint occurred;
 - e. A description of the type of restraint used in terms established by the Florida Department of Education (FDOE);
 - f. The name of the person using or assisting in the restraint of the student and the date the person was last trained in the use of positive behavior interventions and supports;
 - g. The name of any nonstudent who was present to witness the restraint; and
 - h. A description of the incident, including all of the following:
 - i. The context in which the restraint occurred;
 - ii. The student's behavior leading up to and precipitating the decision to use restraint, including an indication as to why there was an imminent risk of serious injury to the student or others;
 - iii. The positive behavior interventions and supports used to prevent and deescalate the behavior;
 - iv. What occurred with the student immediately after the termination of the restraint;
 - v. Any injuries, visible marks or possible medical emergencies that may have occurred during the restraint, documented according to school district policies;
 - vi. Evidence of steps taken to notify the student's parent or guardian; and
 - vii. The date the crisis intervention plan was last reviewed and whether changes were recommended.
3. A school shall notify the parent or guardian of a student each time restraint is used. Such notification must be in writing and provided before the end of the school day on which the restraint occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she was notified of his or her child's restraint.
4. A school shall also provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was restrained. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgment that he or she received a copy of the incident report.
5. Incidents of restraint are reported in the IERS reporting system developed for this purpose, in a manner prescribed by the FDOE.

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint

1. The school district will have procedures for providing the parent with a copy of the written notice on the day of the incident.

Describe how the parent is provided written notice on the day the restraint occurs.

The following procedures are in place, corresponding to the bullet points above. How parents are provided written notice on the day of the restraint occurred: Parents are provided written notice on the same day the restraint occurs. The District uses Form 49, entitled "Incident Report/Parent Notice/Use of Manual Physical Restraint, which is completed and given directly to the Parent on the day the incident occurs or sent via email or US mail. The parent will sign the original notification and return it to the school in the stamped, self-addressed envelope provided with the notice, or hand deliver back to the school. In addition the DJJ facilities will Fax, email, or text the same day notice to parents. School administrators are also encouraged to make contact with the parent/guardian via phone or Parent Square message to inform them of the incident and to make them aware that the notification is being sent home with the student.

Specify personnel (by role or title) responsible for preparing the written notice on the day of the incident, and how it is provided to the parent on the day the restraint occurs.

The personnel responsible for preparing the written notice on the day of the incident is the School Principal or their designee. The incident report form #49 is completed and the parent is provided the document in person, via email, or US Mail on the same day the incident occurred.

Describe how reasonable efforts are made and documented on the day of the incident to contact the parent by telephone or email, or both, and specify personnel (by role or title) responsible for contacting the parent.

Reasonable efforts are also taken by the school administrator/designee to notify the parent/guardian of the incident on the day that it occurs utilizing one or several of these methods: In person, telephone, email, and/or Parent Square direct message. All efforts to notify the parent/guardian are documented by the school administrator/designee.

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

The school shall obtain and maintain in its records the parent/guardian's signed acknowledgement that he/she received the initial written notice and it will be maintained in the student's ESE folder. If the signed acknowledgement is not provided by the parent/guardian, follow-up attempts (via phone, Parent Square messages, emails, etc.) are made to obtain that signed form and documentation of all attempts are documented on form #51 "Schools Documentation of Required Action Taken After Incident of Restraint". At least two attempts are required to obtain the parent's signed acknowledgment of the written report of the incident of restraint.

2. The school district will have procedures for providing the parent with a completed copy of the incident report within three school days of the incident.

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

Immediately following the incident, the person implementing the restraint will notify the school administrator/designee who will then prepare the Incident Report Form #49 and will then make all required parental/guardian notifications.

Describe how the school district provides the parent with a copy of the incident report within three school days.

A copy of the Incident Report will be given to the parent/guardian in person, child's backpack, or mailed to the parent/guardian immediately, but not later than three school days after the incident.

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

A signed copy of the Incident Report is maintained in the student's ESE file. At least two additional attempts are required to be made and documentation of receipt and/or attempts to obtain the parent's signed acknowledgment of receipt of the Incident Report are recorded on form #51 "School's Documentation of Required Action Taken After Incident of Restraint".

3. The school district will monitor the implementation of restraint practices.

Describe how the school district monitors the implementation of restraint practices to include reporting requirements in charter schools, Department of Juvenile Justice (DJJ) facilities and contracted residential facilities.

The district monitors the implementation of restraint practices for all schools to include DJJ facilities within the district by focusing on several factors. 1: District School Administrator/Designee including DJJ schools notifies the District Director of ESE of all restraints initiated by staff at the facility to the Director of Special Education on the week that the incident occurs. Reports are reviewed for accuracy, timely reporting, and narrative of event leading to the restraint. Draft and final reports are viewed within the IERS system. Required forms that are to be kept in the student file are reviewed by the Director of ESE for procedural accuracy. 2. Data trends are reviewed monthly (within the IERS system) and debriefing is held with the school administration to DJJ administrators to determine reasons for increase or decrease in the number of incidents reported. In the event there is an increase and/or decrease in number of incidents reported and the reason identified training is needed, training will be provided to staff to address the identified issue. 3. If concerning trends are identified an onsite monitoring visit will be conducted to review records, inspect facilities, and conference with administration. If necessary additional training will be provided and a corrective action plan will be created and monitored until the "issue" has been corrected.

4. The school district will have procedures for providing the parent with a copy of the crisis intervention plan.

Specify members responsible for developing the crisis intervention plan.

The members responsible for developing the crisis intervention plan will be: 1: School personnel (at least 2) who directly work with the student such as: classroom teacher, guidance counselor, behavior aide/support staff, school administrator, etc. 2: Parent/Guardian of the student: at least 2 attempts will be made and documented to invite the parent/guardian to participate in the meeting. 3: When appropriate the District Licensed Mental Health Counselor and/or Behavior Health Professional. If the student has an assigned counselor, they may be invited when appropriate. 4: When necessary a member of the School Threat Assessment Team will also participate in the development of the Crisis Intervention Plan.

Describe when and how a copy of the crisis intervention plan is provided to the parent.

The parent is part of the development of the Crisis Intervention plan and will be given a copy of the draft plan at the conclusion of the meeting. At the meeting the parent will also sign the notes from that meeting acknowledging the contents of the plan. Once the plan is finalized the parent will be provided a copy within 10 days either in person, email, mail, or Parent Square. The parent/guardian will sign the acknowledgement of plan page and return to the school.

Describe how the school district monitors the implementation of crisis intervention plans, including reporting requirements in charter schools, DJJ facilities and contracted residential facilities.

The school district will start monitoring the implementation of all crisis intervention plans, including those developed at DJJ facilities upon their completion. A copy of the finalized Crisis Intervention Plan will be sent to the Director of ESE by the school administrator. The plan will be reviewed within one week of receipt to ensure that the following are included: positive behavior interventions and supports; documentation of any known physical and behavioral health concerns that may limit the use of restraint; timeline to review and revise the plan. The individual school administrator or designee will be responsible for the monitoring and implementing of the plan to include review of data on a monthly basis and facilitate any needed adjustments. The District Director of ESE will monitor the implementation of the Crisis Intervention Plans on a quarterly basis. The Director of ESE will request from all school administrators/designee a copy of all documentation to be sent for all active Crisis Intervention Plans at the end of each quarter. The plans, data, documentation, etc. will be reviewed and results reported back to school administrators noting any issues/concerns.

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

1. The school district will review data and reporting procedures.

How often does the school and the school district review restraint data collected for schools and the school district?

All school administrators and the Director of ESE have access to the IERS system and can view/monitor any restraint report that have been drafted or submitted into the system at any time. The IERS system also sends an email notification when a report has been entered, prompting an immediate review. During monthly school administrator meetings a report will be given regarding the number of restraints by school and for the district. Any trends will be noted and discussed during that meeting.

Specify personnel (by role or title) at the school level who is responsible for collecting and reviewing the school-level data and to whom the data are reported to at the school and school district levels.

Each school principal or designee is responsible for collecting and reviewing their school level data and then report that data to the District ESE Director. Each school principal or designee can use this data during staff leadership meetings to discuss trends and ways to address the trends. This information is reported to the Director of ESE at the monthly Principals meeting.

Specify personnel (by role or title) at the school district level who is responsible for collecting and reviewing the school- and district-level data and to whom the data are reported to at the school and school district levels.

Each school principal or designee is responsible for collecting and reviewing their school level data and then report that data to the District ESE Director. Each school principal or designee can use this data during staff leadership meetings to discuss trends and ways to address the trends. This information is reported to the Director of ESE at the monthly Principals meeting.

2. The school district will have procedures for monitoring data collection and reporting and the use of restraint at the (a) classroom, (b) building and (c) school district levels. These monitoring procedures must address when, where and why students are restrained and the frequency of the occurrences of restraint. (Charter schools, Department of Juvenile Justice [DJJ] facilities, and contracted residential facilities must be included.)

Describe how the school district monitors school practices related to the data collection and reporting to parents, including:

- **Data entry into the bureau's restraint reporting system, Involuntary Examination, Restraint and Seclusion (IERS);**
- **Email or telephone attempts to contact the parent on the day of the incident;**
- **Content of the written notice;**
- **Provision of written notice and incident reports to the parent within the required timelines;**
- **Maintaining documentation of the parent's acknowledgments of the receipt of written notices and reports; and**
- **Making additional attempts to obtain written parental acknowledgment when the parent fails to acknowledge the initial written notice or incident report.**

The District will monitor school practices related to the collection and reporting to parents by doing the following: The continuous and ongoing monitoring of school practices as the above items occurs by having the ESE Director or designee review all completed forms maintained in the student files containing a sequential record of each Form 49 to ensure compliance with required timelines, quality and content. This monitoring will include review of written notifications to parents of incidents, as well as all documentation reflecting required attempts made to obtain the parent's acknowledgments of receipt of written notices and incident reports, including those additional attempts made when the parent fails to acknowledge written notices or incident reports. Timely and accurate entry of data into the FDOE IERS web-based system is also monitored by the school school administrator or designee.

Describe how the school district monitors school practices related to when, where and why students are restrained at the (a) classroom, (b) building and (c) school district levels.

The monitoring process implemented at the classroom level includes involving a staff member who observes the incident and records the observation on Form #49 that reflects when, where and why a student was restrained. These reports are submitted to the school level administrator/designee for immediate review and to district on a monthly basis for review. Technical assistance is provided to schools as needed based on the review of the reports. After every incident of restraint the school administrator/designee conducts a meeting with all personnel involved to discuss the incident, procedures, etc. and problem solves any areas in the process that need improvement. Individual training would be provided to personnel if needed based on this post restraint review meeting.

Describe how information about restraint data is:

- **Shared with school and classroom personnel directly involved in the use of restraint; and**
- **Reviewed to assess, develop, or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained.**

All restraint and other behavioral data are shared directly by the ESE Director or designee with the school and classroom personnel involved in the use of restraint to identify, based upon the data, any staffing patterns or program changes that need to be considered. The data are also reviewed with the behavior specialist/Guidance Counselor/Licensed Mental Health Counselor and problem solving team to determine the need to develop, revise or implement behavioral strategies and instructional practices for students who have been restrained, including those students who may frequently be restrained.

3. The school district will have training for personnel in the use of restraint, 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 all programs the school district uses to train personnel regarding the use of restraint; if multiple programs are used within the school district, describe how decisions are made regarding when each particular program is selected.

The district uses the Crisis Prevention Intervention (CPI) program and utilize PAEC certified trainers to train identified personnel. This program teaches personnel De-Escalation strategies, addresses verbal and nonverbal communication, empathic listening skills, the verbal escalation continuum, and limit setting as strategies to prevent the use of restraint. The proper use of restraint is also included in the CPI training. The district has a DJJ facility that serve high needs students and uses a program that best fit the needs of students being served. The program used is: Professional Crisis Management (PCM). It teaches a Cycle of Crisis Model: Prevention, De-escalation, Crisis Intervention, and Reintegration.

Describe how the school district implements professional development on the selected restraint training program(s), including intervals at which this occurs and who provides the trainings for initial and periodic “refresher training.”

Training is provided through the Panhandle Area Education Consortium (PAEC) and/or SEDNET with three training opportunities per year for CPI (Crisis Prevention Intervention). Staff who have never been trained must complete the Initial CPI training and then maintain the certification through an annual refresher CPI training. The DJJ facility has training coordinators on staff to provide training in the use of Professional Crisis Management (PCM) to all new employees before they come in contact with students. Additional recertification is provided for existing staff at or before the anniversary date of employment.

Describe the school district's plan on the selection of personnel to be trained in the use of restraint and how the school district maintains records of personnel trained.

Selection of personnel to be trained in use of restraint is based on several factors which include: staff who are a 1 to 1 behavioral aide with a student, are an administrator, are located in a area of the campus where there is a higher potential for a restraint to occur and have more flexibility in their schedule to allow them to respond to a potential crisis/restraint situation, are an ESE teacher or Paraprofessional in a self-contained ESE classroom, mental and/or behavioral support staff, and any teacher who has a student with a history of restraint or potential for behavioral escalation. All staff at the DJJ facility are required to be trained. Training records, including sign in sheets, lists of annual training deadlines, update training deadlines, etc. are maintained for all trainings utilized by the district. PAEC serves as the custodian of records for CPI training. Each employee has a training/professional development transcript which is found in the epdc system that PAEC provides. Copies of individual Certificates of Completion are filed in the employees personnel file. The DJJ facility maintains their staff training records. Every person trained is issued an identification card that reflects their certification and when it expires.

Do all charter schools, DJJ facilities and contracted residential facilities in the school district use the same crisis management program as that described for use in district-operated schools.

- Yes
 No

If no, indicate by charter school, DJJ facility and contracted residential facility, the name of the crisis management program used in each.

The district does not have any charter schools or contracted residential facility. The Private DJJ facility utilizes PCM Professional Crisis Management as their crisis management program as described above.

4. The school district will have training for authorized personnel in the use of positive behavior interventions and supports (PBIS).

Describe all programs the school district uses to train personnel regarding the use of PBIS; if multiple programs are used within the school district, describe how decisions are made regarding when a particular program is selected.

The school district trains school leadership personnel regarding the use of PBIS strategies through the Multi-tiered System of Supports (MTSS) process in the same manner that MTSS is used for academic supports and interventions. Training is provided through various opportunities; monthly leadership meetings, leadership training sessions, School Improvement training, etc. No particular program is selected by the district for PBIS but the framework for this process is expected to be implemented at each school site. Each school leadership team is responsible for determining how they will implement this framework and any specific programs, if any, they will use. The framework's core pieces are: (a) teaching school-wide expectations; (b) positive strategies to reinforce and promote desired behaviors; and (c) use of data to make informed decisions about student supports. The district provides the schools with tools and resources to support all three Tiers of support for the PBIS framework. Specific supports provided are: Insights to Behavior Program that assist classroom teachers in developing classroom behavior management plans at all three tiers and also assist with collection of data to make informed decisions regarding behavior support implementation and effectiveness; onsite counselors provided through Memorandums of Understanding with area agencies to provide individual and small group PBIS interventions and supports; Contracted Tier III support to provide access to Board Certified Behavior Analyst and Registered Behavior Therapist, etc.

Describe how the school district implements professional development on the selected PBIS training program(s), including intervals at which this occurs and who provides the trainings.

Training for the PBIS framework along with implementation strategies is provided utilizing a variety of resources and at various intervals based on individual school, grade level, or teacher need. This need is determined by the analysis of behavioral data, classroom observation data, or individual request for support. Examples of professional development opportunities utilized: BEESS Portal for Professional Development opportunities; PAEC (Panhandle Area Educational Consortium) & FDLRS (Florida Diagnostic & Learning Resources Systems) professional development sessions; FDOE Discretionary Projects (SEDNET, FIN, PBIS); etc. In addition, the district provides the schools with tools and resources to support all three Tiers of support. Specific supports provided are: (a) Insights to Behavior Program that assist classroom teachers in developing classroom behavior management plans at all three tiers and also assist with collection of behavioral data to make informed decisions regarding behavior support implementation and effectiveness. This program provides on demand training as well as scheduled training that can be assigned based on need.; (b) Onsite counselors are provided through Memorandums of Understanding with area agencies to provide individual counseling and skills training and small group PBIS strategies, interventions and supports. Identified students in need of this level of support are identified through a referral process.; (c) Contracted Tier III support to provide access to Board Certified Behavior Analyst and Registered Behavior Therapist, etc. Through the contract behavior support training is provided to targeted staff based on data. (d) Sanford Harmony Curriculum is provided for all K-8 classrooms as a Tier I support and is provided to students with the support of the District Certified Counselors and School Resource Officers. A schedule for the presentation of these lessons is created at the school level and varies by school.

Describe the school district's plan on the selection of personnel to be trained in the use of PBIS and how the school district maintains records of personnel trained.

The district utilizes the school based leadership teams as the "leads" for their schools regarding the implementation of the schoolwide PBIS framework. School Leadership Teams are provided planning and training days throughout the summer to participate in training and to design their PBIS implementation plans. The district maintains records of all training through the use of PAEC epdc professional development tracking system.

Do all charter schools, DJJ facilities and contracted residential facilities in the school district use the same PBIS as that described for use in district-operated schools.

- Yes
 No

If no, indicate by charter school, DJJ facility and contracted residential facility, the name of the PBIS used in each.

Apalachicola Forest Youth Camp (AFYC-DJJ facility) utilizes a Behavior Management Systems that incorporates a point system across the campus. Points can be redeemed/exchanged for items that the student prefers from a designated list of "rewards". Providing positive consequences for socially appropriate actions throughout each day is the main emphasis of the behavior management system. A portion of these positive consequences come in the form of points. Points are given for participation in scheduled daily activities and engaging in pro-social behavior. In addition to the point system, there is a structured system for gaining increasing privileges. This is referred to as a level system. In this system there are five levels. Each higher level has associated with it increasing privileges, extra incentives, and increased responsibility. Earned points are used to acquire higher privileged levels within the level system. Staff members are trained in the behavior management system

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

Does the school district prohibit the use of restraint?

- Yes
 No

1. Even if the school district prohibits the use of restraint, if restraint incidents occurred during the 2022-2023 school year, the school district will have a plan for reducing the use of restraint and answer all questions.

If the school district allows the use of restraint, specify the school district's measurable annual goal for the 2023-2024 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

Liberty County School District had one incident of restraint during the 2022-23 school year. We will reduce our incidents of restraint by 100% for the 2023-24 school year. Liberty County School district had zero incidence of restraint in the 2023-24 school year. We will reduce our incidents of restraint by 100% to maintain our 0% rate of incidents for the 2024-25 school year.

2. The school district will have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly. 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, Department of Juvenile Justice facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

- a. Additional training in positive behavior interventions and support and crisis management;
- b. Parental involvement;
- c. Data review;
- d. Updates of students' functional behavioral assessments (FBAs) and positive behavior intervention plans (PBIPs);
- e. Additional student evaluations;
- f. Debriefing with staff;
- g. Use of schoolwide positive behavior support;
- h. Changes to the school environment;
- i. Analysis of data to determine trends; and
- j. Ongoing reduction of the use of restraint.

Indicate the total number of incidents of restraint during the 2022-2023 school year.

Liberty County School district had 1 incident of restraint in the 2022-2023 school year.

Indicate the percentage of increase or decrease from the 2021-2022 rate to the 2022-2023 rate (trend data), whether the school district attained the 2022-2023 goal, and the rationale for the increase or decrease.

2021/2022 School year - 0 incidents of restraint 2022/2023 School year - 1 incident of restraint The district had 100 % increase from 2021/2022 to the 2022/2023 school year. The district did not attain it's 100% goal to decrease the number of incidence of restraint for the 2022/2023 school year. The rationale for this increase: This incident was a rare incident of restraint for one student who in spite of attempted positive behavior strategies and de-escalation strategies displayed physically aggressive behaviors toward staff. There was imminent danger to staff and the restraint was used as a last resort.

How many students were restrained two or more times within the same semester?

The district had zero students that were restrained two or more times within the same semester.

How many students were restrained 15 or more times? What were the specific activities, skills and resources implemented to reduce these rates, if applicable?

Zero students were restrained 15 or more times.

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

- Yes
 No

If no, describe how and when prone restraints are being used and include a plan for reducing the use of prone restraints.

Prone restraint is only used under the following circumstances. The district always uses the least restrictive alternative to physical intervention. When a student presents an imminent danger to self or others and all other measures have been exhausted prone restraint may be used. No student is restrained in the prone position longer than is absolutely necessary to gain control and de-escalate the threat. Physical hold procedures are never used as punishment procedure or as a convenience to staff. Safety checks of the individual are part of every intervention. To reduce incidences of prone restraint the district provides Positive Behavior Support and de-escalation strategies to the school leadership team/Crisis response team. Specifically designed classroom procedures and individualized behavior/crisis plans will be implemented for all students that exhibit behaviors that have potential to result in restraint. Data will be reviewed by the problem solving/threat assessment team monthly or more frequently as necessary, for any student when prone restraint is used, the the ultimate goal of eliminating prone restraint. In cases requiring prone restraint the Functional Behavior Assessment will be reviewed and updated to more effectively identify factors contributing to the problem behavior. Environmental factors will be reviewed to determine when, where and how the environment of the student may be contributing to the problem, Based on the findings the environment will be modified to increase the likelihood of positive behavior.

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

- Yes
 No

If no, describe how and when mechanical restraints are being used and include a plan for reducing the use of mechanical restraints.

The Liberty County School District public schools do not utilize mechanical restraint. Mechanical restraint would only be used if the incident has been turned over to law enforcement and they deem that mechanical restraint is necessary. The DJJ facility within Liberty County School District does, as a last resort, utilize soft mechanical restraints. The use of mechanical restraints at this facility is rare and only used when all other methods fail to control the extreme behavior. 1. Restraint is only used pursuant to an order by a board certified or board eligible psychiatrist licensed under Chapter 409, F.S. or licensed physician with specialized training and experience in diagnosing and treating mental disorders and who is the youth's treatment team physician. In the event the ordering physician is not on site a verbal telephone order is obtained by the nurse at the time restraint is initiated. 2. The ordering physician will order the least restrictive intervention that is most likely to be effective in resolving the emergency safety situation. 3. Before restraint is ordered, the ordering physician will have assessed whether there are pre-existing conditions or physical disabilities, history of sexual and/or physical abuse, and will review the current use of psychotropic medication that could present a risk to the youth. The results of this review will be documented on the order and will maintained in the youth's record. 4. If the ordering physician is not available on-site to order the use of restraint, a verbal telephone order shall be obtained by the nurse at the time restraint is initiated. At the time the order is received, the nurse will consult with the ordering physician regarding the youth's physical and psychological condition. The order and consultation shall be documented in the youth's case file (located in the medical department). 5. If an emergency exists where restraint is needed but the physician is not present or available by telephone, the registered nurse may place the youth in restraint with follow up information provided to the physician as soon as reasonable possible. 6. The verbal order given by the physician shall be followed with their signature verifying the verbal order within seven calendar days and the signed verification shall be maintained in the youth's case file (located in the medical department). 7. The ordering physician shall be available to staff for consultation throughout the period of the intervention, if not on site, then by telephone. 8. Each order for restraint shall: a. State the emergency safety intervention being ordered. b. Be limited to no longer than the duration of the emergency safety situation. c. Not to exceed 2 hours for youth ages 9-17 or 1 hour for youth under age 9. d. Include the ordering physician's name. e. Include the date and time the order was obtained. f. Be documented, whether verbal or written, and maintained in the youth's file Per 65E-9.013, if a restraint exceeds a total of 6 hours within a 24 hour period of time for youth ages 9-17 or a total of 3 hours for a child under age 9, there must be written explanation as to why the child was not transferred to a more acute program. The written explanation for all youth is as follows. AFYC is the only residential Juvenile Incompetent to Proceed Facility for the State of Florida. There are no more acute programs for youth who have been court-ordered in this program.

Describe the data reviewed from the 2022-2023 school year (which must include primary exceptionality, race or ethnicity of students restrained, and type of restraint used).

There was only one restraint incident for the 2022/2023 school year. Primary exceptionality: InD Race/ethnicity: Black Type of restraint: Prone (after other methods were tried)

Describe how the data and the problem-solving process informed your school district's plan to reduce the use of restraint.

The district will continue to use the problem solving process to focus on fidelity of implementation of individual student behavior and/or crisis intervention plans to maintain our low rate of incidences of restraint. As new staff are hired we will provide training in de-escalation strategies, MTSS for behavior, PBIS, etc. to increase staff knowledge of available tools, procedures, and strategies that will result in less incidences that may escalate and require the use of restraint.

3. The crisis intervention plan must include:

- a. Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;
- b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and
- c. A timetable for the review and, if necessary, revision of the crisis intervention plan.

How often are the students' crisis intervention plans reviewed and revised?

A students' crisis intervention plan is reviewed monthly however they may be reviewed and revised as needed based on the data obtained through the implementation of the plan.

4. The following are examples of activities that may be considered for the purpose of reducing the use of restraint. Activities may include, but are not limited to:

- a. Implement student-specific strategies, such as reviewing individual educational plans and Section 504 plans, conducting evaluations or reevaluations and FBAs, and evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress;
- b. Implement school district and school strategies for increasing parental involvement;
- c. Introduce or strengthen multi-tiered system of supports, which could include schoolwide positive behavioral support;
- d. Provide additional professional development training in positive behavioral support and crisis management; and
- e. Engage in problem solving with school administrators to make data-driven decisions regarding school environments.

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

The district will continue to use the problem solving process to focus on fidelity of implementation of individual student behavior plans and/or Crisis Intervention Plans to maintain our low rate of incidences of restraint. As new staff are hired we will provide training in de-escalation strategies, MTSS for behavior, PBIS, etc. to increase staff knowledge of available tools, procedures, and strategies that will result in less incidences that may escalate and require the use of restraint.

Section A.7: District Plan Related to Eliminating the Use of Seclusion

Did the school district have an incident of seclusion during the 2022-2023 school year?

- Yes (Continue answering questions)
 No (Stop here)

1. The school district will have a plan for eliminating seclusion.

Specify the school district's measurable annual goal for eliminating the number of seclusion incidents.

2. The school district's plan for eliminating the use of seclusion must include activities, skills and resources needed to achieve that goal. Charter schools, Department of Juvenile Justice 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 behavior intervention plans (PBIPs);
- e. Additional student evaluations;
- f. Debriefing with staff;
- g. Use of schoolwide positive behavior support; and
- h. Changes to the school environment.

Indicate the total number of incidents of seclusion during the 2022-2023 school year.

Indicate the percentage of increase or decrease from the 2021-2022 rate to the 2022-2023 rate.

Provide a rationale for the school district's increase or decrease in incidents when comparing the data.

How many students in the school district were secluded? What were the specific activities, skills and resources implemented to reduce these rates to eliminate seclusion?

3. The following are examples of activities that may be considered for the purpose of eliminating the use of seclusion:
- a. Implement student-specific strategies, such as reviewing individual educational plans and Section 504 plans, conducting evaluations or reevaluations and FBAs, and evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress;
 - b. Implement school district and school strategies for increasing parental involvement;
 - c. Introduce or strengthen a multi-tiered system of supports, which could include schoolwide positive behavioral support;
 - d. Provide additional professional development training in positive behavioral support and crisis management; and
 - e. Engage in problem-solving with school administrators to make data-driven decisions regarding school environments.

Describe the activities and resources that are a part of the school district's plan to eliminate the use of seclusion.

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 300.647

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

The school 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 Individual Educational Plan (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 IEP team.

Ages of Students Served

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

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

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

- Yes
- No

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

Indicate if the school district (including charter schools) serves prekindergarten children with disabilities, ages 3 through 5 years:

- Yes
- No

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), Florida Statutes, *Meetings with school district personnel*, parents of public-school students may be accompanied by another adult of their choice at a 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; the development of an individual educational plan; the development of a 504 accommodation plan issued under section 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.

One of the following must be selected:

- I have read and understand the above information.
- This section is not applicable for the Department of Corrections.

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 ,F.S.
 - b. Registered behavior technicians who have a nationally recognized paraprofessional certification in behavior analysis and who practice under the supervision of individuals described in paragraph (a) by assisting and supporting such individuals in the provision of applied behavior analysis services. To provide services under this section, a registered behavior technician must be employed by a provider described in paragraph (a);
 - c. Speech-language pathologists licensed under s. 468.1185, F.S.;
 - d. Occupational therapists licensed under part III of Chapter Part III F.S.;
 - e. Physical therapists licensed under Chapter 486. F.S.
 - f. Psychologists licensed under Chapter 490, F.S.
 - g. Clinical social workers licensed under Chapter 491 F.S.
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 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 1012.321, F.S.

For the purpose of implementing this rule, a school district may not impose any requirements beyond those requirements specified in this rule 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 appropriate public education under IDEA.

Written Agreements

1. The school district assures that written agreements are on file in the school 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 school district procedures;
 - b. Providing transportation;
 - c. Providing program and staff supervision;

- d. Funding programs; and
- e. Dissolving the agreement.

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

- Yes
 No

If **yes**, include the names of the school districts providing services and the types of exceptional student education (ESE) services provided by each school district.

Leon County School District provides the following services: Deaf/Hard of Hearing and Intellectually Disabled (InD) students with significant cognitive deficits for whom the IEP team determines that services must be provided in a public separate school placement.

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

- Yes
 No

If **yes**, include the names of the school districts receiving services and the types of ESE services provided for each school district.

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

- Yes
 No

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

Section B.4: Juvenile Justice Facilities, County Jails and Municipal Detention Facilities

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)

Sections 951.176, 951.23, 1003.01, 1003.52, 1003.57, 1003.573 and 1011.62, F.S.

Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

Juvenile Justice Facilities

1. In accordance with s. 1003.01(14)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice (DJJ); the sheriff; or a private, public or other governmental organization under contract with the DJJ or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention or commitment programs.
2. The district school board of the county in which the residential or nonresidential DJJ 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. School districts have the option of providing the education services directly or may enter into an education services contract with a private provider.

Note: Not every juvenile justice facility is under the jurisdiction of the DJJ.

3. School districts that enter into a contract with an educational provider are responsible for oversight. For exceptional students, school districts should ensure the following:
 - a. Exceptional students have a current individual educational plan (IEP);
 - b. The IEP contains measurable annual goals (including academic and functional);
 - c. The IEP is being implemented;
 - d. The parents are invited to IEP team meetings; and
 - e. The appropriate team members are present at IEP team meetings.

Describe how the school district ensures that students who are in need of special education and related services are identified, located and evaluated in juvenile justice facilities.

The Liberty County School Board has a contract with the DJJ facility located within our county (Twin Oaks Juvenile Development, Inc.) that outlines how the school district ensures that students who are in need of special education and related services are identified, located and evaluated in the juvenile justice facility. The DJJ Agency agrees to provide students exceptional student education (ESE) in accordance with their IEPs (Individual Educational Plans) and provide certified ESE teachers to deliver these services. If the student is identified as in need of special education services while in the DJJ facility, the DJJ Agency shall notify the home school of the student of such need. The Liberty County School Board will provide all ESE flow thru funds for exceptional student education (ESE) to include State and Local Funding for basic students with ESE services and ESE level 4 and 5 students as well as all ESE guaranteed allocations based on FTE funding the the DJJ Agency to provide all special education and related services for students identified, located, and evaluated in their DJJ facility. The Liberty County School District provide oversight for exceptional education students through a monitoring process to ensure that all registered students with a disability have a current individual education plan which contains appropriate academic and functional goals and is being implemented, requirements for IEP team meeting notifications and IEP team meetings meet all requirements. Through the monitoring/review of Individual Educational Plans the district ensures that appropriate special education and related services are identified. The district ESE Department is available for consultation to the DJJ Educational Director regarding special education and related services identification, consultation regarding child find and evaluation requirements. .

Describe how the school district ensures that special education and related services are determined by the student's needs and not the availability of services in juvenile justice facilities.

The school district ensures that special education and related services are determined by the student's needs and not the availability of services in juvenile justice facilities through the individual educational plan monitoring process for the DJJ facility.

County Jails and Municipal Detention Facilities

1. County jails or municipal detention facilities are defined in accordance with s. 951.23, F.S.
2. Each county may contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33, F.S., to provide education services to inmates at county detention facilities. The education services may include any educational, career or vocational training that is authorized by the sheriff or chief correctional officer, or a designee.
3. All eligible students with disabilities under 22 years of age who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23, F.S., shall be offered education services by the local school district in which the facility is located. These education services shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under 21 years of age to the facility.
4. A cooperative agreement with the local school district and applicable law enforcement units shall be developed to address the notification requirement and the provision of education services to these youth.

Describe how the school district ensures that all eligible-age students with disabilities who are in need of special education and related services are identified, located and evaluated in county jail or municipal detention facilities located within the school district.

The county jail located within Liberty County School District does not typically "house" juveniles and there are no municipal detention facilities located within the school district. However, the district has an MOU with the Liberty County Sheriff's Office that outlines the provision of education services for any youth incarcerated in their facility.

Describe how the school district provides educational programming to students with disabilities under the age of 18 in county jails or municipal detention facilities located within the school district.

The county jail located within Liberty County School District does not typically "house" juveniles and there are no municipal detention facilities located within the school district. However, the district has an MOU with the Liberty County Sheriff's Office that outlines the provision of education services for any youth incarcerated in their facility.

Describe the school district's process for serving students 18 through 21 years of age in county jails or municipal detention facilities who meet the following conditions:

- **The student had been identified as a student with a disability and received services in accordance with an IEP, but left school prior to incarceration.**

All eligible students with disabilities under 22 years of age who have not graduated with a standard diploma or its equivalent who are detained in our county jail, shall be offered education services by the local school district in which the facility is located. These education services, if consented upon by the eligible student, shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under 21 years of age to the facility.

- **The student who had been identified as a student with a disability and did not have an IEP in the last educational setting.**

The county jail located within Liberty County School District does not typically "house" juveniles and there are no municipal detention facilities located within the school district. However, the district has an MOU with the Liberty County Sheriff's Office that outlines the provision of education services for any youth incarcerated in their facility. If the student who has been incarcerated in the county jail and is identified as a student with a disability without a prior IEP the district would convene an IEP team meeting to determine to the need for special education services through an IEP. This would be based on the length of stay that the juvenile will be housed in the facility.

Describe the school district's process with county jail and municipal detention facility administrators to identify students who meet the abovementioned conditions under the Individuals with Disabilities Education Act.

The county jail located within Liberty County School District does not typically "house" juveniles and there are no municipal detention facilities located within the school district. However, the district has an MOU with the Liberty County Sheriff's Office that outlines the provision of education services for any youth incarcerated in their facility. This includes the identification of any student with or suspected of having a disability.

Describe the school district's process with county jail and municipal detention facility administrators to ensure that students 18 through 21 years of age receive a free appropriate public education, which includes special education and related services in accordance with students' IEPs.

The county jail located within Liberty County School District does not typically "house" juveniles and there are no municipal detention facilities located within the school district. However, the district has an MOU with the Liberty County Sheriff's Office that outlines the provision of education services for any youth, to includes students with a disability, incarcerated in their facility.

Section B.5: Residential Facilities

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)

Sections 951.176, 951.23, 1003.01, 1003.52, 1003.57, 1003.573 and 1011.62, F.S.

Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

Placement in a Residential Facility of a Student with a Disability by a Public Agency Other Than the School District

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with Rule 6A-6.0334(3), 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 education 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 appropriate public education and special education and related services, including services comparable to those described in the current individual educational plan (IEP), until the notification and procedures regarding payment are completed.
4. 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

Sections 1002.42, 1003.52, 1003.573, 1011.61 and 1012.42, F.S.

Rules 6A-1.0503, 6A-1.0955 and 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 either of the following circumstances:
 - a. When the school district has determined that no special educational program offered by it, a cooperating school district, or a state agency can adequately provide the educational program for the student; or
 - 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 in accordance with ss. 1003.57(3) and (4), F.S. The student's IEP developed in accordance with Rule 6A-6.03028, F.A.C., may reflect that the residential placement is not required in order for the student to benefit from special education which could otherwise be provided by the school district during the day.
2. Each school district may 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 for the provision of a nonresidential interagency

program that includes the provision of educational programming in accordance with the student's IEP.

3. In collaboration with the Part C Early Steps Program, each school district may provide early intervention services for an infant or toddler with a disability through a contractual agreement with approved nonpublic or community facilities when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler. The early intervention services shall be provided in accordance with an individualized family support plan (IFSP) developed in accordance with Rule 6A-6.03029, F.A.C.
4. The requirements of Rule 6A-6.0361(1), F.A.C., 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 s. 1003.52(3), F.S.

District Responsibilities

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

1. 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.
2. 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.
3. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
4. 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.
5. 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.
6. Has written procedures for admission, dismissal, and separation of students, if appropriate.
7. 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.
8. Has written policies concerning the care of the student in emergencies, clinical and administrative records, personnel policies, staff duties, fee schedules, food services, and insurance coverage.
9. Complies with requirements of the following: the Office for Civil Rights; the Americans with Disabilities Act; 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).
10. Files reports with the Florida Department of Education (FDOE) as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

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 years, shall not extend beyond the school district's fiscal year, and shall include at least the following:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with s. 1003.573, F.S.
7. 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.
8. Identification of financial responsibility.
9. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
10. 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.
11. Provision for terminating the contract.
12. 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 School 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 aged 3 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 school district and providing copies of the IEPs of students who are in residential placements to the FDOE, 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.

Section B.6: 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 in Part 1. Section B.5.
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 and does not include students identified solely as gifted.
4. An individual educational plan (IEP) or individualized family support plan (IFSP) for the student has been developed as required.
5. Full-time equivalent (FTE) 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 FTE 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 Florida 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 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 this 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 receiving services in residential facilities "may not be reported by any school district for FTE funding in the [FEFP]."

Does the district contract for special education and related services with nonpublic schools, residential facilities, and or community facilities.

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.

N/A

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.

N/A

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.

N/A

Section B.7: 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.

Section B.8: 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 C.F.R. §§ 300.111, 300.130 and 300.131 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child-find activities is children birth to 5 years of age (not enrolled in a public school) and children attending nonpublic (private) schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local county health units, Florida School for the Deaf and the Blind, and the individual school districts.
3. 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 school districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
4. For parentally placed private school students, the school 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 school district of the student's residence has the child-find responsibility.

Section B.9: Confidentiality of Student Records

In accordance with 20 United States Code § 1232g; 34 C.F.R. §§ 300.613 through 300.621; s. 1002.22, F.S.; and Rule 6A-1.0955, F.A.C., the school 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 school district will permit parents to inspect and review any educational records relating to their children that are collected, maintained or used by the school district, without unnecessary delay and before any meeting regarding an individual educational plan (IEP), individualized family support plan (IFSP), or educational plan (EP), or any hearing relating to the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the student, and in no case more than 30 days from the request. The parent has the right to:
 - i. A response from the school district for reasonable explanation and interpretation of the records,
 - ii. Request that the school district provide copies of the records if failure to do so would deprive the parent of the right to review the records, and
 - iii. Have a representative of the parent inspect and review the records;
- b. The school 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 school district keeps a record of parties obtaining access to student records, other than the parent or authorized school 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 school 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 school 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 school district amend the information.
- b. The school district will decide whether to amend the information in accordance with the request within a reasonable period of time.
- c. If the school 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 school 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 school 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 school district.
- f. Any explanation placed in the student's record will be maintained by the school district as part of the student's record as long as the school 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 school 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 school district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.
- b. The principal, or a designee, of 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 school district will maintain for public inspection a current listing of the names and positions of those employees within the school district who have access to personally identifiable information.

5. Destruction of information

- a. The school 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 school 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 C.F.R. § 99.7. Items to be included in the notice are:
 - i. The right to review and inspect the student's education records, including the procedures to exercise this right;
 - ii. 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;
 - iii. 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; and
 - iv. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school district to comply with the requirements of FERPA.
- b. The school district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. FAPE

The school district ensures that FAPE is available to all students with disabilities residing in the school district aged 3 through 21 years, including students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a certificate of completion, but have not attained the age of 22 years; 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 does not apply to students who have graduated from high school with a standard diploma and who did not defer receipt of the diploma in accordance with s. 1003.4282(8)(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 (known as a 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, and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

The school 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 school district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the school 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 FAPE.

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 Florida Education Finance Program (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.

Section B.10: Coordinated Early Intervening Services (CEIS)

The Individuals with Disabilities Education Act (IDEA) regulations, 34 C.F.R. § 300.226, permit a local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement CEIS.

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:

1. Direct instruction of students in kindergarten through grade 12, with a particular emphasis on students in kindergarten through grade three;
2. 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
3. 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 C.F.R. § 300.646(d)(2).

Section B.11: National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 C.F.R. § 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.

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 C.F.R. §§ 300.121 and 300.500 through 300.536
 Sections 1002.22, 1003.57, 1003.571 and 1008.212, F.S.
 Rules 6A-1.0955, 6A-6.03311 through 6A-6.03313, 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:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first state complaint under 34 C.F.R. §§ 300.151 through 300.153 and upon receipt of the first due process complaint under 34 C.F.R. § 300.507 in a school year;
- c. In accordance with the discipline procedures in 34 C.F.R. § 300.530(h) (when a change in placement occurs);
- d. Upon request by a parent; and
- e. 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 window be granted or denied.

One of the following must be selected:

- The school district will use the Florida Department of Education's (FDOE's) *Notice of Procedural Safeguards for Parents of Students with Disabilities*, as posted on the FDOE's website, to inform the parents as required.
- The school 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 school 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:

- a. Upon initial referral for evaluation
- b. Upon refusal of a parent's request to conduct an initial evaluation
- c. Upon notification of each educational plan meeting
- d. 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 school district will use the FDOE's *Procedural Safeguards for Exceptional Students who are Gifted*, as posted on the FDOE's website to inform the parents as required.
- The school 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 Department of Corrections.

A due process hearing shall be conducted by an administrative law judge appointed as required by s. 120.65, F.S., from the Division of Administrative Hearings (DOAH), Department of Management Services, on behalf of the FDOE.

Describe the school district's policies and procedures to ensure that the school district files a parent's due process hearing request with DOAH as soon as possible following receipt of the request.

Upon receipt of the parent's due process hearing request to the District ESE Department, the district will, within one business day of receipt, will send the parent/guardian a copy of the procedural safeguards and also inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. Using the appropriate form the district ESE Director will forward a copy of the request, via registered mail, to the Florida Department by the close of business the following day of the receipt of the due process hearing request.

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

If a parent should request a due process hearing, the district will ensure that a resolution meeting is convened within 15 calendar days of its receipt of the parent's written due process hearing request. Individuals invited to participate will include parent and relevant IEP team members, including a representative from the district with decision making authority. An attorney will not be present unless the parent chooses to bring an attorney. Immediately upon receipt of the request for ESE Due Process Hearing (ESE #43) or a parent letter requesting a hearing, the district will contact the parent by phone in order to advise the parent of the fact that a resolution meeting must be convened within 15 calendar days of the receipt of the parent's request for hearing. The district will attempt to arrange a mutually agreed upon date for convening the resolution meeting with the parent within the 15 day timeline, but if the parent does not provide a mutually agreeable date within the timeline, the district will choose the date, send out appropriate written notice, and convene the meeting in a timely manner. Using the district's Form to Schedule Resolution Meeting (ESE # 45), along with the district's Meeting Participation Form/Invitation (ESE #11), written notice of the resolution meeting's date and time will be forwarded to the parent by registered mail. Included in this packet will be a letter that includes an opportunity for the parent to waive the meeting or to use the mediation process. If the parent or parents representative is non-responsive the district will send a second written notice packet, document all attempts to reach the party by phone, and utilize the school resource officer to hand deliver the notice as needed. Weather the parent attends or not, the district will convene the meeting as required within the 15 day timeline.

Describe the school district's policies and procedures for ensuring that the parent and the school district determine the relevant member or members of the IEP team to attend the resolution meeting.

The school district Director of ESE will contact the parent/guardian to work together to determine the relevant members of the IEP team to attend the resolution meeting. The members will need to have specific knowledge of the facts identified and must include a representative from the school district who has decision-making authority on behalf of the district.

Describe the school district's specific policies and procedures related to how information about dispute resolution mechanisms available to parents according to the notice of procedural safeguards for students with disabilities and the notice of procedural safeguards for students who are gifted are made available to and shared with parents and local stakeholders. Additionally, please provide web links to these resources, if applicable.

The district will provide the procedural safeguards (electronically or hard copy based on parent/guardian preference) throughout the identification, evaluation and placement process, and the provision of fee, appropriate, public education to student. Link provided to the safeguards are on the district website. www.lcsb.org

Describe any specific alternate dispute resolution and stakeholder involvement options that are made available to parents of students with disabilities.

The district works to resolve any disagreements/clear up misunderstandings regarding a student with disabilities as soon as an issue arises. This is facilitated through a continuum of options and are based on the type of disagreement and who it involves and more participants are added as needed to find a solution/resolution to the disagreement.. Facilitate parent/teacher (including ESE inclusion teacher) meeting to attempt to resolve the issue; Facilitate parent/teacher/school administrator meeting; Facilitate parent/teacher/school administrator/district ESE staffing specialist meeting; Hold an IEP meeting to determine if the IEP needs to be clarified/updated; etc.

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

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 school 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 school district may not continue to provide special education and related services to the student.
4. The school district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The school district is not required to convene an individual educational plan (IEP) team or develop an IEP for further provision of special education and related services for the student.
6. The school district is not required to amend the student's education records to remove any reference to the student's previous receipt of such services.
7. The school district will not be considered to be out of compliance with the Individuals with Disabilities Education Act for failure to provide a free appropriate public education to an otherwise eligible student.

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(8), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.320 and 300.520

Chapter 744, F.S.

Sections 393.12 and 1003.5716, F.S.

Rules 6A-6.03011, 6A-6.03028, 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 18th birthday, the school 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 (IEP) will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. At least one year before the student reaches the age of majority, the school district must provide to the student and parents, information and instruction on self-determination and the legal responsibilities regarding educational decisions that transfer to the student upon attaining the age of 18. This instruction and information must include the ways in which the student can provide informed consent to allow his or her parent to continue to participate in educational decisions, including:
 - a. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act as provided in s. 1002.22, F.S;
 - b. Powers of attorney as provided in Chapter 709, F.S.;
 - c. Guardian advocacy as provided in s. 393.12, F.S.; and
 - d. Guardianship as provided in Chapter 744, F.S.
4. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's 18th birthday.
5. The IEP in effect at the beginning of the school year the student is expected to graduate must include a signed statement by the parent or guardian or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer receipt of his or her standard high school diploma.
6. 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.
7. 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.
8. 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 a 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 a 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.

Describe the school district's procedures for when 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.

Liberty County School District takes a structured approach to ensure the student's educational needs are met, and legal requirements are observed. At least one year before the student's 18th birthday, Liberty County School District informs (in writing) the student, parents, and/or guardians about the transfer of educational rights when the student reaches the age of majority. Liberty County School District holds IEP meetings to discuss the student's needs, next steps, and the potential need for decision-making support during transition, as well as discuss any need for reevaluation to determine the student's capacity to make informed decisions. Liberty County School District communicates with the parents about the student's rights and the need for continued decision-making support. Liberty County School District holds IEP meetings to discuss the student's needs, next steps, and the potential need for decision-making support during transition, as well as discuss any need for reevaluation to determine the student's capacity to make informed decisions. Liberty County School District will advise parents/guardians to petition the court for legal guardianship or conservatorship, granting them the authority to make educational decisions. Liberty County School District will provide information and resources about the options for decision-making (Considering Age of Majority, Transfer of Rights, and Decision-Making Options) to the parent/guardian. Liberty County School District will connect families with community resources such as the Family Network on Disabilities (FND).

The school district has the option to include model forms pertaining to a student with a disability who has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program.

- The school district's model forms can be found in Appendix A of this document.
- There are no additional forms for this section.

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 the Individuals with Disabilities Education Act and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision-maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
 - a. Must be at least 18 years old.
 - b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
 - c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
 - i. This prohibition includes group home staff and therapeutic foster parents.
 - ii. 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.
 - iii. 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.
 - i. The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
 - ii. 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.
 - i. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
 - ii. 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:
 - i. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.
 - ii. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF.
 - iii. 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.
 - iv. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.
 - v. 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.
 - vi. 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; and
 - c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child.
4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.
5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be

appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

Describe the school district's procedures for determining when a student who has or is suspected of having 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).

Generally, students requiring surrogate parent representation are identified upon enrollment in school by school staff. The Office of School Choice assists schools in legal matters pertaining to students with no known parent or no parent of record per state definition. Should any student whose parent cannot be identified or located be identified as a student with a disability, the ESE Director is contacted to obtain a surrogate parent for meetings which may or must involve a parent. School-based and district-level personnel serving as LEA representatives or Director's designee receive annual training in order to determine when a student with a disability needs a surrogate parent. District personnel request assistance of a surrogate parent through the Exceptional Student Education Department's Director's Designee 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. District and school staff must provide court-ordered documentation of termination of parental rights. If this documentation cannot be verified, personnel must document in writing at least two attempts to contact the parent and the results of those attempts. The ESE Director, serving as the Superintendent's designee, reviews and validates the documentation and subsequently contacts a surrogate parent from the list of trained recruits.

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

PAEC provides surrogate parent training using FDOE's approved surrogate parent training program. Recruiting of surrogate parents is through contact with the guardian ad litem program, retired teachers' organization and local groups and community organizations and training as well as surrogates appointed by a judge would be provided by PAEC.

One of the following must be selected:

- I have read and understand the above information.
- This section is not applicable for the Department of Corrections.

Section E: Individual Educational Plans (IEPs) and Educational Plans (EPs) 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 or legal guardians) 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 student's IEP or EP from the previous school district, or
- b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program

a. If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

- i. Adopts the student's IEP or EP from the previous school or school district, or
- ii. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

b. When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

c. When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to a

Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) will provide the student with a FAPE (including services comparable to those described in the student's IEP from the previous school district) until the new Florida school district does the following:

- a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary, and
- 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.

4. EPs for gifted students who transfer from outside Florida

If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that school district or state and was receiving gifted services.

5. 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.

6. Transmittal of records

To facilitate the transition for a student described in subsections 1 through 4 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 C.F.R. § 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.

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

Statutory and Regulatory Citations

34 C.F.R. § 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 in the following:

1. Regarding services required to provide a free appropriate public education (FAPE) to an eligible student under the Individuals with Disabilities Education Act (IDEA), the school district:
 - a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive a FAPE under Part B of the IDEA.
 - b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA—the school 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):
 - i. Decrease available lifetime coverage or any other insured benefit;
 - ii. 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;
 - iii. Increase premiums or lead to the discontinuation of benefits or insurance; or
 - iv. 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:
 - i. The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student;
 - ii. The purpose of the disclosure, such as the purpose of billing for services;
 - iii. The agency to which the disclosure may be made; and
 - iv. 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:
 - i. A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.;
 - ii. A statement of the no-cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.;
 - iii. 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; and

- iv. 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. Regarding 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 proceeds, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
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).

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 C.F.R. §§ 300.302, 300.306 and 300.308 through 300.310

Sections 381.0056 and 1008.25, F.S.

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

Definition

General education intervention procedures are activities conducted by a school 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 school district's responsibility to implement a multi-tiered system of supports (MTSS) 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 school 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 school 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 a 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 school 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.

5. Implementation of evidence-based interventions

- a. The school district implements evidence-based interventions addressing the identified areas of concern in the general education environment.

- b. 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 areas of concern, select and implement interventions, monitor effectiveness of the interventions, and modify intervention or intensity when needed.
- c. 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.
- d. The school 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:

- a. Children younger than kindergarten-entry age who are not enrolled in kindergarten
- b. Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
- 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.
- d. 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; 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 school district have an MTSS procedures document or website?

- Yes
 No

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

The Liberty County School District's Multi-Tiered System of Support (MTSS) Handbook can be accessed at lcsb.org. Parents are notified of the availability of MTSS policy and procedures on the district website in a letter distributed to parents by backpack or in beginning of year information packets.

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

Describe what academic and behavior progress monitoring tools and data teams use to monitor student response to intention. Address the following in your response:

- **How frequently are Tier 3 interventions reviewed and monitored?**
- **What factors do the problem-solving team consider in determining that the student may be a student with a disability?**
- **What are the decision criteria for initiating an evaluation?**

Tools Tier I: iReady Reading and Math, STAR Reading and Math, STAR Early Literacy, Student Risk Screening Scale for behavior, Write Score, Performance Matters, classroom based reading and math assessments, associated with the core curriculum. Tier II: iReady Reading and Math, STAR Reading and Math, Write Score, Individualized behavior scaled based on identified target behaviors. Tier III: iReady Reading and Math, STAR Reading and Math, Brigance, SPIRE Reading Intervention Program/Curriculum progress monitoring tool. Tier III interventions are reviewed and monitored at least every two weeks to determine student response to intervention. These interventions are reviewed by the teacher and school based problem solving team. District, and support staff to include Psychologist, ESE specialist, Mental Health Counselor, Behavioral Support staff, etc. participate in problem solving when additional support or expertise is needed. The following criteria are used to determine if an evaluation is needed. The problem solving team considers the following factors to determine if the students may be a student with a disability; progress made in response to interventions, intensity required to sustain progress over time, achievement compared to same age/grade level peers, adaptive behavior, social emotional functioning, physical conditions such as vision and hearing, parent and teacher input. The team reviews the student intervention plan to ensure that an appropriate intervention was selected that matches the student need, reviews the effectiveness of intervention, the fidelity of implementation, ensure that the intervention has been intensified or changed if progress is not being achieved. The decision criteria for initiating evaluation involves reviewing data to determine the rate of student academic/behavioral improvement. Is the student making positive progress and closing the gap between expectations and peers. One with a questionable rate of progress and is making insufficient progress to close the gap between expectations and peers, while a poor rate of progress is when the gap between expectation and peers is increasing. If a student is making questionable or poor progress the team will initiate an evaluation.

Describe how the school district monitors implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness. Address the following in your response:

- **How is problem-solving documented?**
- **What are the procedures for monitoring fidelity?**

The district has developed in consultation with school leadership the MTSS Manual which is designed to outline the procedures to be adhered to for the four step problem solving process. The MTSS Manual outlines the method for problem identification, analysis and intervention. Teams are trained on the procedures for the problem solving process. A district representative participates in monthly problem solving meetings at the school level to provide technical assistance and monitor the fidelity of interventions. The problem solving team analyzes data to determine when to intensify or fade interventions according to progress or lack of progress of the individual student. The team reviews the intervention, progress, length of time, intensity and duration of interventions to determine the appropriate course of action. A checklist is included in MTSS manual to document these actions. In addition the district liaison/staffing specialist samples folders periodically to examine the effectiveness and fidelity of interventions.

Describe how parents are 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 is information explaining the school's MTSS (global awareness) disseminated?**
- **What are the procedures or policies for including parents in problem solving?**
- **What are the frequency and format for sharing data on student response to intervention with parents?**
- **When and how are parents notified of their right to request an evaluation?**

At the beginning of the school year parents are provided written information via backpack that provides awareness of what MTSS is, the key components, a description of each Tier of support, how the school identifies and supports students, outcomes that can be expected, the right of the parent and places to find more information about the MTSS process. The District has in place procedures to ensure that parents are a part of the problem solving process. We believe that parents/guardians are an integral part of their child's education, Liberty County Schools invites all parents/guardians to be an active member of the problem solving process at all three Tiers of support. Parents are invited to participate in all problem solving meetings. Data is collected every 2 or 3 weeks to measure the response to intervention. Data is shared with parents after two data points, approximately every 4 to weeks. This information may be shared by phone conversation, face to face meeting, or written documentation sent home. All parent communication: written, face to face or phone conversations are documented on the school's Teacher-Parent conference form. During the problem solving meeting, which parents are invited to be a part of, the teacher presents concerns, shares the results of observations, identify goals, and summarize interventions already utilized and the results of those interventions. When the student begins receiving Tier 2 intensive interventions parents are provided written communication, via backpack or face to face, that further explains that if the child does not make adequate progress after receiving effective core instruction and intensive evidence-based interventions, the team will consider whether he or she may be a student with a disability who needs specialized instruction. Further, this communication advises parents that they may request an evaluation for special education at any time. Request may be written or verbal and will be documented. Additional information provided to the parents will outline what happens after the request for evaluation, the process for obtaining permission to evaluate, and the timeline for completion of the evaluation.

Identify the procedures for children who are below mandatory school age and who are not enrolled in kindergarten, which should include the following:

- **A review of the existing social, psychological, and medical data;**
- **Referral for a health screening when needed;**
- **Vision and hearing screenings for the purpose of ruling out sensory deficits; and**
- **Any additional screenings conducted to assist in determining interventions as appropriate.**

Through the child find process, which is supported by FDLRS and screening opportunities are held throughout the year, the procedure for children below mandatory school age and who are not enrolled in Kindergarten during this screening process include: a. A review of existing social, psychological, and medical data and referral 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.

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.300 through 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 are in need of exceptional student education (ESE) are identified, located and evaluated, and a free appropriate public education is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

1. 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 aged 3 to kindergarten-entry age, or a school district may initiate a request for an 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 school district's consent for evaluation form.
2. The school district must seek consent from the parent or guardian to conduct an evaluation whenever the school district suspects that a kindergarten through grade 12 student, or a child aged 3 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 in accordance with Rule 6A-6.0331(3)(a), F.A.C.:
 - a. When a school-based team determines that the kindergarten through grade 12 student's response-to-intervention data indicate 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; or
 - b. 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; or
 - c. When a child aged 3 to kindergarten-entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System (FDLRS) 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
 - d. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child aged 3 to kindergarten-entry age who is enrolled in a district-operated preschool program may be a student with a disability and needs special education and related services.
3. Within 30 days of a determination (i.e., suspicion of a disability) that a circumstance described in subsections 1., 2. or 3. above exists for a student in kindergarten through grade 12 or a child aged 3 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 as required by Rule 6A-6.0331(3)(b), F.A.C.
4. 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, in accordance with Rule 6A-6.0331(3)(c), F.A.C.:
 - 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.

5. Prior to a school district's request for an initial evaluation for students in kindergarten through grade 12, school personnel must make one of the following determinations about general education procedures:
- 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. Whether 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. Whether 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.

During a FDLRS/Child Find developmental screening, with parent/guardian permission, any child in need of further evaluation is referred to the school district where parental consent for evaluation is obtained. The district has in place a procedure to ensure that consent for an evaluation is obtained within 30 days. If it is determined that sufficient data exist to support a suspicion or belief that the student is a student with a disability and in need of special education (even where general education interventions have not been implemented), the parents will be invited to an intervention team meeting to review data and obtain consent for evaluation if the data provided supports the reason to suspect that the student is a student with a disability. The consent for evaluation is noted in the assessment log that is maintained by the ESE specialist. A copy of consent is sent to psychologist/therapist with a timeline for completion of the evaluation within the 30 day time frame. The district has in place a procedure to ensure that consent for an evaluation is obtained within 30 days. If it is determined that sufficient data exist to support a suspicion or belief that the student is a student with a disability and in need of special education (even where general education interventions have not been implemented), the parents will be invited to a meeting to review this information. At that time an attempt will be made to obtain the parents consent to evaluate within the 30 day time frame. The consent for evaluation is noted in the assessment log that is maintained by the ESE specialist. A copy of consent is sent to psychologist/therapist with a timeline for completion of the evaluation within the 60 day time frame.

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.

If a parent should request an evaluation for special education consideration and eligibility prior to the implementation of general education interventions for the student,, the request (whether oral or written) will be provided to the school's Guidance Counsellor responsible for convening an intervention team meeting, which should include the parent, relevant teachers, school psychologist, and staffing specialist, as appropriate. The intervention team will be convened to determine, based upon all available data, including data provided by the parent, whether there is a reason to suspect or believe that the student is a student with a disability and in need of special education and related services. If the team determines data is sufficient consent is obtained and this is noted in the assessment log that is maintained by the ESE Specialist. A copy of the consent is sent to the psychologist/therapist with a timeline for completion of the evaluation within the 60 day time frame. If it is determined that there is no reason to suspect or believe that the student is a student with a disability in need of special education and related services and it is decided that an evaluation will not be conducted, the parent will be provided with a notice of refusal and a copy of the procedural safeguards.

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

For students that may be gifted the teacher must complete the student profile and submit the referral to the problem solving team. The School Counselor will invite the parent to the problem solving meeting, get consent for screening from the parent, conduct the cognitive screening and send an invitation to the parents as a follow up to the problem solving meeting. The results of the screening are presented and discussion at the meeting is documented on the meeting summary form. Parent signs the permission to complete the gifted checklist and the Individual Intellectual Evaluation if the team recommends full evaluation or parent request full evaluation. The teacher completed the checklist that is signed by the problem solving team and the referral folder is sent to the staffing specialist. The staffing specialist assigns the evaluation request to the school psychologist for evaluation. For other students that may be a student with a disability the teacher completes the problem solving form identifying areas of concern. Student Progress Profile is completed and parent contacted an consultation with other professionals is documented on the appropriate form. Teacher gets consent for screening from the parents. The teacher sends the completed MTSS folder to the Guidance Counselor who schedules the vision/hearing/SLP screenings and any other screening that would be necessary based on the concern of the teacher and the data collected. The School Counselor will then schedule a meeting of the problem solving team, including the parents, and review the data collected and determine next steps. Based on the results of the intervention plan and the consensus of the problem solving them, the student may be referred for a formal evaluation or additional interventions may be planned.

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

For students that may be gifted the teacher must complete the student profile and submit the referral to the problem solving team. The School Counselor will invite the parent to the problem solving meeting, get consent for screening from the parent, conduct the cognitive screening and send an invitation to the parents as a follow up to the problem solving meeting. The results of the screening are presented and discussion at the meeting is documented on the meeting summary form. Parent signs the permission to complete the gifted checklist and the Individual Intellectual Evaluation if the tam recommends full evaluation or parent request full evaluation. The teacher completes the checklist that is signed by the problem solving team and the referral folder is sent to he staffing specialist. The staffing specialist assigns the evaluation request to the school psychologist for evaluation. For other student that may be a student with a disability the teacher completes the problem solving form identifying areas of concern. Student Progress Profile is completed and parent contacted and consultation with other professionals is documented on the appropriate form. Teacher gets consent for screening from the parents. The teacher sends the complete MTSS folder to the Guidance Counselor who schedules the vision/hearing/SLP screenings fand any other screenings that would be necessary based on the concern of the teacher and the data collected. The School Counselor will then schedule a meeting of the problem solving team, including the parents, and review the data collected and determine next steps. Based on the results of the intervention plan and the consensus of the problem solving team, the student may b referred for a formal evaluation or additional interventions may be planned.

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.

The district will make every effort to locate, identify and evaluate out-of-school children who may be disabled or gifted. We partner with PAEC, FDLRS, and Child Find to locate and identify students that may have a disability or gifted. Any agency may refer a child to the ESE Director/designee and referral packet will be provided. Upon request the ESE Director or designee will assist the parent/guardian will completion of the forms. The referral packet will not contain general education interventions.

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 C.F.R. §§ 300.131 and 300.300 through 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-6.03013, 6A-6.03014, 6A-6.03022, 6A-6.0331, 6A-6.03411, and 6A-6.0361, 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 requires.
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 still requires specially designed instruction and related services, and the current educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation

- a. The school district is responsible for conducting a comprehensive 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 and/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 ESE, 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, school districts may consider the following:
 - i. State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA);
 - ii. Testing standards (e.g., *Standards for Educational and Psychological Testing*);
 - iii. User qualifications recommended by the publisher in the test manual; and
 - iv. Level of training, supervision, experience and certification of the individual administering or interpreting the instrument.

2. Evaluation timelines

- a. The school district shall ensure that initial evaluations of students and preschool-age children aged 3 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 days shall not be counted toward the 60-calendar-day requirement:
 - i. 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.;
 - ii. The summer vacation period, beginning on 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

iii. 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. 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.

b. The 60-day timeline for evaluation does not apply if:

i. The parent and school district, by mutual written agreement, extend the 60-calendar-day requirement by no more than 30 calendar days. The written agreement must be secured before the 45th calendar day, but after the formal testing has begun and it was determined that other evaluators are needed to complete the required full and individual evaluation, as required by Rule 6A-6.0331(3)(h), F.A.C.

ii. The parent repeatedly fails or refuses to produce the student for the evaluation.

iii. 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 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.

c. The school district will ensure that students thought to be gifted are evaluated within a reasonable time, as defined in the school 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 school district's procedures on how the decision is made that other evaluators are needed to complete the full and individual evaluation.

Upon review of all evaluation data and other relevant data and it is determined that more information is needed to complete a full and individual evaluation, the staffing specialist would work with the staffing specialist assistant to schedule other evaluators that are determined to be needed to provide the necessary data to determine eligibility status. The district will expedite its efforts to obtain all such evaluation data and will convene an eligibility team meeting once the additional data has been received. If the parent request to extend the eligibility determination the team would meet and determine the number of days of the extension, which should not exceed 15 days.

Describe how the school district ensures timely completion of an initial evaluation with the additional 30-day timeline extension?

The district has in place a procedure to track the timely completion of an initial evaluation to ensure timely completion. When the IEP team determines that more data is needed, the projected completion date is set at the meeting and monitored by the staffing specialist to ensure timely completion that does not go past the additional timeline extension.

Describe the school district's time frame to ensure completion of gifted evaluations.

The goal for completion for students suspected of being gifted is within 90 school days of student attendance from the date parents consent for evaluation is received. For student that may be gifted the teacher must complete the Student Progress Profile and submit the referral to the problem solving team. The School Counselor, within 5 days of receipt of the complete referral folder, will invite the parent to the problem solving meeting. At this meeting the guidance counselor will get consent for screening from the parent. Within 5 days, the cognitive screening will be completed and an invitation to the parents for follow up program solving team meeting. The results of the screening are presented and a discussion at the meeting is documented on the meeting summary. Parent signs permission to complete the Gifted Characteristic Checklist and the Individual Intellectual Evaluation if the team recommends full evaluation or parent request full evaluation. The teacher completed the checklist and the CST #11 is signed by the problem solving team members, within 5 days, and the referral folder is sent to the ESE Staffing Specialist. The ESE Staffing Specialist, within two days, assigned the evaluation request to the school psychologist for evaluation. The date on the consent for evaluations form is the start date on the 90 day timeline for completion of the evaluation.

This text box is not applicable for the school district.

3. Parental consent

- a. The school district will provide the parent written notice that describes any evaluation procedures the school district proposes to conduct. Before the evaluation is conducted, 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 initial evaluation is not construed as consent for the initial provision of ESE services.

- b. The school district must make reasonable efforts to obtain informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. Should the parent fail to respond to the school district's request to obtain informed written consent, it must maintain documentation of all attempts made to obtain consent.
- c. In compliance with 34 C.F.R. § 300.300(a)(2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the student is a ward of the State and is not residing with the parent, and:
- i. The school district cannot discover the location of the parent,
 - ii. The rights of the parent have been terminated, or
 - iii. 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.

In accordance with Rule 6A-6.03411(1)(bb), F.A.C., the term "Parent" means any of the following persons:

- i. A biological or adoptive parent of a student;
 - ii. A foster parent;
 - iii. 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);
 - iv. 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
 - v. 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 if the student is eligible for ESE services 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 school district is not required to pursue an initial evaluation when the parent refuses consent and a school district 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 as justification to deny the parent or student any other service of the school district, except as permitted 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:
- i. Review existing evaluation data on the student, including:
 1. Evaluations and information provided by the student's parents;
 2. Current classroom-based, local, or state assessments and classroom-based observations; and

3. Observations by teachers and related services providers.
- ii. Identify, based on that review process and input from the student's parents, what additional data, if any, are needed to determine the following:
 1. Whether the student is a student with a disability; and
 2. The educational needs of the student.
- iii. The group conducting this review may do so without a meeting.
- iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that are to be reviewed under this section.
- v. If the group determines 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:
 1. That determination and the reasons for the determination; and
 2. 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.
- vi. In conducting an evaluation, the school district must:
 1. Use 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 individual educational plan (IEP) or educational plan (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.
 2. Not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
 3. Use technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
- b. The school district must ensure that assessments and other evaluation materials and procedures used to assess a student:
 - i. Are selected and administered so as not to discriminate on a racial or cultural basis;
 - ii. 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;
 - iii. Are used for purposes for which the measures are reliable and valid; and
 - iv. 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 commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist school districts in selecting special evaluation instruments; general diagnostic evaluation instruments; and screening and monitoring tools, including comprehensive eligibility evaluations, is available through the Florida Department of Education's Student Support Services Project.

5. Pursuant to 34 C.F.R. § 502, if parents obtain an independent educational evaluation (IEE) at their own expense, the results shall be considered by the school district when making decisions regarding the student, so long as the IEE 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 school 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.

In the unusual instance that an evaluation has been completed but additional data do not yet exist sufficient to make an eligibility determination, the district will expedite its efforts to obtain all such data and will convene an eligibility team meeting without unreasonable delay and generally no later than three weeks following the completion of the student's evaluation. The ESE eligibility staffing is to be held within 15 school days of the receipt of the comprehensive evaluation report. Parents are notified in writing of the staffing ESE #11. The teacher will bring current data to the eligibility meeting, which includes all tiered intervention data. In the unusual instance that an evaluation has been completed but additional data does not yet exist sufficient to make an eligibility determinations the district will expedite its efforts to obtain all such data and will convene an eligibility team once the additional data has been received to determine the student's eligibility. Should the parent request to extend the eligibility determination the team would meet and determine the number of days of the extension, which should not exceed 15 days.

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 impairments and visual impairments 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.
 - i. Unless a comprehensive review of the student's educational history, including current levels of functioning; progress toward meeting IEP goals; grades; state, district and class assessments; progress monitoring; previous psychoeducational evaluations; teacher and parent input; and a gradual release of delivery of services documented on the IEP, demonstrates that the student is no longer in need of specially designed instruction and related services. The student has met or surpassed the annual measurable goals.
 - ii. Students are individuals and, as such, decisions are to be made on a case-by-case basis. The school district is responsible to ensure that data-based decisions provide an outcome that is beneficial to the student.
 - iii. If, after a comprehensive review of the student's educational history, the school district or the parent requests a formal reevaluation, then consent for reevaluation must be secured.
- d. Reevaluation of the student may not occur more than once per 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 C.F.R. § 300.131, the school district is responsible for reevaluations of students with disabilities attending:
 - i. Nonprofit private schools located within the school district;
 - ii. For-profit private schools and are residents in the school district; and
 - iii. 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:
 - i. Whether the student continues to have a disability;
 - ii. The educational needs of the student;
 - iii. The present levels of academic achievement and related developmental needs of the student;
 - iv. Whether the student continues to need special education and related services; and
 - v. 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 completed, and the school district shall notify the student's parents of the following:
 - i. The determination and the reasons for that determination; and
 - ii. 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:
 - i. Rule 6A-6.03013, F.A.C., Exceptional Student Education Eligibility for Students Who Are Deaf or Hard-of Hearing
 - ii. Rule 6A-6.03014, F.A.C., Exceptional Student Education Eligibility for Students Who Are Visually Impaired
 - iii. Rule 6A-6.03022, F.A.C., Exceptional Student Education Eligibility for Students with Dual Sensory Impairments

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 school 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 school 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 the 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 (AT) assessment, that AT assessment must be completed within 60-school days after the team's recommendation.

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

The ESE staffing specialist/assistant is responsible for searching the database to determine the three year reevaluation due data for his/her case load. Working with the ESE staffing specialist assistant the reevaluation review meeting is scheduled, often times in tandem with the annual IEP review. At the review step IEP meeting the team determines the areas to be reevaluated, if any. Parent consent for reevaluation is obtained or documented efforts to obtain consent are maintained and the reevaluation is completed.

Describe the school district's procedures on what constitutes a comprehensive review of the student's educational history and how data are collected to support the determination as to whether the student is no longer in need of specially designed instruction and related services.

To conduct a comprehensive review of the student's educational history and use the data to support the determination whether the student continues to be a student with a disability in need of special education and related services or not an IEP team meeting would be convened to review all available information about the student. Each team member would provide data relevant to their expertise and work with the student. Data would include reports from the additional evaluations conducted, re-evaluations, service notes/reports, assessment data, intervention/direct instruction data, progress monitoring data, etc. If determined at the meeting, based on data, that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent would be provided prior written notice that these services will be discontinued. If the comprehensive review of data indicates that the student's eligibility or services need to be changed the applicable procedures are followed to make those changes to the IEP.

Describe the school 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 district has in place a procedure to track the completion of assessment and other data collection procedures to ensure timely completion when the IEP team determines that more data is needed. The projected completion date is set at the meeting and monitored by the staffing specialist to ensure timely completion.

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 indicating what assessments will be administered based on the IEP team's review of data, or
- A prior written notice of refusal.

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

In cases where the parent requests a reevaluation the IEP team requests a meeting with the parent to review existing data and to determine the type of evaluation that the parent feels their child needs. The team reviews the student's data, previous IEP, and comes to a determination regarding the need for reevaluation. The parent is then requested to sign a prior written notice of consent for reevaluation form indicating what assessments will be administered based on the IEP team's review or the notice of refusal. If the parent refuses to meet in a timely manner, the school will send the parent one of the following: (1) 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 (2) A Prior Written Notice of Refusal.

Describe the school 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 that an assistive technology assessment needs to be completed, parental consent is obtained at the meeting (or after reasonable efforts are made to obtain such consent and the parent has not refused consent). The ESE staffing specialist assistant logs the date of recommendation and the 60 day expiration data and notifies the assistive technology specialist. The assistive technology specialist logs the due date and completes the evaluation within the 60 school days, including a functional evaluation of the student in his/her customary environment after the IEP team's recommendation. There is no provision for adjustment of this 60 day timeline due to student absences.

5. Determination of continued need for special education and related services

- a. A meeting of the IEP 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 IEP 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.

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 C.F.R. § 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, must 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:
 - a. Ensure that an IEE is provided at public expense; or
 - b. Initiate a due process hearing under Rule 6A-6.03311, F.A.C., 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 for the objection to the school 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 school 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:
 - a. The school district must consider the results of such evaluation in any decision regarding the provision of a FAPE to the student, if it meets appropriate school district criteria described in Rule 6A-6.03311, F.A.C.; and
 - b. The results of such an 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 at public expense, district personnel are trained to ensure that this request (whether in writing or verbal) is forwarded immediately to the district's ESE Director. The ESE Director/designee will address whether the request is truly one for an IEE (because the district has completed its own evaluation with which the parent disagrees). If it is not an appropriate request for an IEE, the ESE Director/designee will discuss that with the parent and attempt to address the parent's other concerns. If the request, however, is truly one for an IEE because the parent disagrees with an evaluation that the district has conducted, the ESE Director/designee may ask the parent to provide a reason why he/she objects to the district's evaluation, but this explanation may not be required and cannot unreasonably delay the district's response to the parent's request for an IEE. Upon receipt of the parent's request for an IEE, the ESE Director/designee will provide the parent with a list of qualified independent evaluators and the district's criteria applicable to conducting IEEs (i.e., the criteria under which an evaluation can be obtained, including the location of the valuation and the qualifications of the examiners, which are the same criteria used by the district when it initiates an evaluation). Should the parent ask for an IEE by someone who is not on the district's list of qualified evaluators or one that does not meet district criteria, the parent will be provided the opportunity to demonstrate why hi/her right to an IEE mandates their choice of evaluator or waiver of district criteria. The ESE Director/designee must make a decision upon the parent's request for an IEE without unnecessary delay and, generally, within 10 school days for receipt of the parent's request. If it is decided that the district will not fund the requested IEE, the ESE Director/designee must take immediate action to initiate a due process hearing to show that the district's evaluation is appropriate or that an evaluation already obtained by the parent did not meet the school district criteria. If the ESE Director/designee decides that the parent's request for an IEE will be granted, the ESE Director/designee will make the arrangements for the completion of the IEE at public expense (or funding for an IEE already obtained by the parent). The ESE Director/designee will ensure that the results of the IEE are considered by the IEP team in any subsequent decisions made regarding the provision of FAPE to the child.

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

When a parent obtains an IEE at private expense and shares the results of the IEE with the district, the school's staffing specialist is responsible for sharing the results with the IEP team. If the evaluation results are shared directly with the school, they are forwarded immediately to the school's staffing specialist so that the IEP meeting can be properly convened and the IEE can be properly considered by the team.