

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

### Section A: Instructional Program

#### Statutory and Regulatory Citation

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

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

#### Philosophy

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

#### Curriculum

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

#### Instructional Support

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

Autism spectrum disorder (ASD) is a condition that includes a wide range of symptoms and levels of impairment, which affect individuals differently. ASD is characterized by an atypical developmental profile, with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests or activities, which occur across settings. The term "spectrum" in ASD refers to the wide range of symptoms and severity.

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas—communication, social, and behavioral—when tailoring educational services for the student.

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 300.8, 300.34, 300.306 and 300.113

Sections 1003.01, 1003.55 and 1003.57, F.S.

Rules 6A-2.0010, 6A-6.03013, 6A-6.03028, 6A-6.0331 and 6A-6.03411, F.A.C.

### **Definition**

Deaf means a hearing level that is so severe that it impacts the processing of linguistic information through hearing, with or without amplification, that adversely affects the student's educational performance.

Hard of hearing means a hearing impairment or loss, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deaf.

Speech Language Pathologist means an individual who is certified or licensed in speech or language pathology in accordance with Rule 6A-4.01761, Florida Administrative Code (F.A.C.).

**Teacher of the deaf or hard of hearing means an individual who is certified in the area of deaf or hard of hearing in accordance with Rule 6A-4.0172, F.A.C.**

### **Student Evaluation**

A full and individual evaluation must be conducted by a school district to identify a student who is deaf or hard of hearing as eligible for exceptional student education and consider the individual needs of a student who is deaf or hard of hearing when developing, reviewing, or revising an Individual Educational Plan (IEP) in accordance with Rules 6A-1.09401(1)(j), 6A-1.09414, 6A-6.03028, 6A-6.0331, and 6A-6.03411, F.A.C.

Eligibility determination. For a student who is, or who is suspected of being, deaf or hard of hearing, evaluation for eligibility must include an audiological report and two assessments as described in paragraphs (3)(b)-(c), unless one of the assessments is waived as provided in paragraph (3)(d).

An audiological report. An audiological report must include a summary of the hearing and medical history, audiological evaluation results, and a diagnosis of any hearing impairment or loss. A licensed audiologist must provide the audiological report.

Functional listening assessment. A functional listening assessment is an assessment that determines how noise, distance, and visual input affect a student's listening abilities. This assessment must be conducted by a teacher of the deaf or hard of hearing or a licensed speech language pathologist.

**Communication and language assessment. A communication and language assessment is an assessment that addresses expressive and receptive language, including pragmatic language. The assessments must consider a student's preferred mode of communication, such as American Sign Language, spoken language, signed or written language, with or without visual support or hearing assistive technology, augmentative and alternative communication, or a combination thereof. These assessments must be conducted by a teacher of the deaf or hard of hearing, a licensed speech language pathologist, or a combination of both.**

### **Assessment Waiver**

If one of the assessments described in paragraphs (3)(b) or (3)(c) provides sufficient information to determine that a student who is deaf or hard of hearing is eligible for exceptional student education, the other assessment must be waived for the purpose of determining eligibility. However, if the assessment is waived because it was not necessary to determine eligibility, the assessment must be completed during the IEP process.

Once a student who is deaf or hard of hearing is determined eligible for exceptional student education, the district must conduct the following assessments:

(a) Any assessment waived for the eligibility determination as provided in paragraph (3)(d); and

(b) A special skills assessment. A special skills assessment evaluates skills aligned with content knowledge described in Rule 6A-1.09401(1)(j), F.A.C. This assessment must be conducted by a teacher of the deaf or hard of hearing.

### **Student Reevaluation**

Reevaluation of students who are deaf or hard of hearing must comply with Rule 6A-6.0331(7), F.A.C., and in addition must include an audiological report and an evaluation of skills known to be impacted by the hearing impairment or loss as required for determining initial eligibility. The audiological report may be waived by the IEP team if the team finds that there is no suspected change in hearing.

### **Usher's Syndrome**

A screening for Usher syndrome must be administered to each student who is deaf or hard of hearing at least once during grades K-5 and grades 6-12.

### **Communication Plan**

The Communication Plan form referenced in Rule 6A-6.03028(3)(g), F.A.C., and section 1003.55(6)(a), F.S., must be used in the development of individual educational plans (IEPs) for students who are DHH or have a dual sensory impairment. In developing these IEPs, IEP teams must consider the instructional needs unique to students who are DHH or have a dual sensory impairment.

### **Supportive Services**

The district must make available referral forms, links, and technical support contacts for services to students and parents. These resources include:

- (a) Auditory-Oral Clarke School and Bridge to Speech Clarke School;
- (b) Auditory-Oral University of Miami (UM) Debbie School and Bridge to Speech UM Debbie School;
- (c) Educational Interpreter Project (EIP);
- (d) Florida Division of Blind Services (DBS);
- (e) Florida Division of Vocational Rehabilitation (VR);
- (f) Florida School for the Deaf and the Blind (FSDB); and
- (g) Resource Materials and Technology Center for the Deaf/Hard of Hearing (RMTC-DHH).

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

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

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

### Statutory and Regulatory Citations

34 C.F.R. §§ 300.8 and 303.21

Sections 1003.01, 1003.21 and 1003.57, F.S.

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

### Definitions

1. For an infant or toddler from birth through 2 years of age (under 36 months), developmental delay is defined as delay in one or more of the following developmental domains: adaptive development, cognitive development, communication development, social or emotional development, or physical development.
2. For a child 3 through 9 years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross or perceptual motor.

### Eligibility Criteria

1. For a child 3 through 9 years of age:

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

- a. The child is 3 through 9 years of age.
- b. There is documentation of one of the following:
  - i. A score of two standard deviations (SD) below the mean or a 25-percent delay on measures yielding scores in months in at least one area of development;
  - ii. A score of 1.5 SD below the mean or a 20-percent delay on measures yielding scores in months in at least two areas of development; or
  - iii. Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education (ESE) services are needed.
- c. The eligibility staffing committee or multidisciplinary team, which includes the parents, makes a determination concerning the effects of the environment, cultural differences and/or economic disadvantage.

2. For a child, birth through 2 years of age (under 36 months):

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

- a. The child is under the age of 36 months;
- b. There is documentation of one of the following:
  - i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion;
  - ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or
  - iii. Based on informed clinical opinion a determination has been made that a developmental delay exists;
- c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

- d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in Rule 6A-6.03027(2)(b); and
- e. The infant or toddler needs early intervention services, as defined in Rule 6A-6.03411(1)(i), F.A.C.

### **Child Evaluation**

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

Procedures for evaluation for children 3 through 9 years of age:

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

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

1. For a child 3 through 9 years of age, continued eligibility as a student with a disability under another category will be determined before the child is 10 years old or through the student's completion of grade 2, whichever occurs first.
2. For a child, birth through 2 years of age (under 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

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

1. For a child 3 through 9 years of age:
  - a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028 and 6A-6.03029, F.A.C.
  - b. Because of the rapid development of young children, ongoing observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.
2. For a child, birth through 2 years of age (under 36 months):
  - a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029 and 6A-6.0331, F.A.C.

- b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

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

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

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

### Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.34, 300.113, 300.172 and 300.324

Chapters 458 and 463, F.S.

Sections 1003.55, 1003.57 and 1003.575, F.S.

Rules 6A-2.0010, 6A-6.03014, 6A-6.03022, 6A-6.0331 and 6A-03411, F.A.C.

### Definition

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

Functional blindness is defined to mean that the physical structures of the eye may be functioning, but the student does not attend to, examine or utilize visual information. This may include cortical visual impairment.

Functional hearing loss is defined to mean that parts of the auditory system may be functioning, but the student does not attend to, respond, localize, or utilize auditory information. This may include cortical hearing impairment or auditory neuropathy or auditory dyssynchrony.

### Eligibility Criteria

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

1. One or more of the following visual impairments:

- a. A visual acuity of 20/70 or less in the better eye after best possible correction;
- b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
- c. A diagnosis of visual impairment after best correction;
- d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; or
- e. Functional blindness;

and

2. One or more of the following hearing impairments:

- a.  $25 \pm 5$  decibels (dB) or greater based on pure tone average or average of 500, 1000 and 2000 Hz unaided in the better ear;
- b. A high frequency hearing threshold level of  $25 \pm 5$  dB or greater based on pure tone average of 1000, 2000 and 3000 Hz unaided in the better ear;
- c. A unilateral hearing threshold level of  $50 \pm 5$  dB or greater based on pure tone average of 500, 1000 and 2000 Hz unaided;
- d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; or
- e. Functional hearing loss;

and

3. The student demonstrates a need for special education;

or

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

### **Student Evaluation**

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

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

### **Student Reevaluation**

A reevaluation shall occur at least every three years and must include, a comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include the following:

1. A functional vision evaluation;
2. A functional hearing assessment;
3. An assessment of social development;
4. An evaluation of receptive and expressive communication by a speech-language pathologist;
5. A learning media assessment;
6. If appropriate, an orientation and mobility assessment and a sign language assessment; and
7. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

### **Qualified Evaluators**

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

1. Medical eye exam: An optometrist or ophthalmologist;
2. Functional vision assessment: A teacher of the visually impaired; an orientation and mobility specialist can be used to analyze how a student uses vision for orienting and moving through space;
3. Learning media assessment: A teacher of the visually impaired;
4. Orientation and mobility: An orientation and mobility specialist;
5. Comprehensive audiological evaluation: An audiologist; and
6. Functional hearing assessment: A teacher of the deaf or hard of hearing, a speech-language pathologist, the parents, an educational team and an audiologist.

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

1. All students with visual impairments, including students with dual sensory impairment, must be registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students with a dual sensory impairment must be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 C.F.R. § 300.324, the individual educational plan (IEP) team must, in the case of a student who has a dual sensory impairment, provide for instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student. Students must be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based on the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a service provided to students who have visual impairments or are blind by qualified personnel, when the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, to enable those students to attain systematic orientation and safe movement within their environments in school, home and community. Orientation and mobility instruction encompasses skill and conceptual awareness and includes, but is not limited to, spatial and environmental concepts, and use of sensory information received by the senses (such as sound, temperature and vibrations) to establish and maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); the use of a long cane or service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; to understand and use remaining vision and, distance low vision aids; and other concepts, techniques and tools.
4. The Communication Plan form referenced in Rule 6A-6.03028(3)(g), F.A.C., and section 1003.55(6)(a), F.S., must be used in the development of the IEP for students who are deaf or hard of hearing or have a dual sensory impairment. In developing these IEPs, IEP teams must consider the instructional needs unique to students who are deaf or hard of hearing or have a dual sensory impairment. The IEP team must also consider the communication and language needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, and the student's academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 C.F.R. § 300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard of hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
  - a. Residual hearing,
  - b. Speech reading,
  - c. Manual communication systems,
  - d. Speech,
  - e. Appropriate amplification,

f. Interpreters,

g. Assistive listening devices,

h. Real-time captioning, or

i. American Sign Language.

6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. While school districts are responsible for providing appropriate services for such students, that duty does not include maintaining, optimizing (i.e., mapping) or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard of hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or soundfield frequency modulation systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained and considered for replacement on a five-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard of hearing may be separated from persons with normal hearing, such as group bathrooms, corridors and specific areas designated for the deaf, in accordance with Rule 6A-2.0010, F.A.C.
10. The school district shall make available the following supports and services to aide in educational programming; will provide educational opportunities unique to students with sensory impairments to include the residential school, the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. In accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services, including parent involvement activities.

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

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

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

### **Eligibility Criteria**

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

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical or health (with the exception of mental health) factors; and one or more of the following characteristics:
  - a. Internal factors characterized by:
    - i. Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or schoolwork, or mood swings, or erratic behavior; or
    - ii. The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
    - iii. Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
  - b. External factors characterized by:
    - i. An inability to build or maintain satisfactory interpersonal relationships with peers, teachers and other adults in the school setting; or
    - ii. Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms or behaviors as specified above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in the Eligibility Criteria section.
5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:

- a. Normal, temporary (fewer than six months) reactions to life events or crisis, or
- b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
- c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability.

### **Student Evaluation**

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

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or no presence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which includes behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or a designee that the emotional or behavioral responses may be precipitated by a physical problem.

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

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

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

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

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

☒ This section is not applicable for the school district.

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 303.21 and 303.300

Sections 1003.01, 1003.21 and 1003.57, F.S.

Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

### **Definition**

An infant or toddler with an established condition is defined as a child from birth through age 2 with a diagnosed physical or mental condition known to have a high probability of causing developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

### **Eligibility Criteria**

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

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

### **Continued Eligibility**

Continued eligibility for ESE programs will be determined before the child's third birthday.

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

The individualized family support plan shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities birth through age 2, home instruction may include direct instruction of the parent, guardian or primary caregiver.

The school district has the option to include additional information regarding evaluations; qualified evaluators; or unique philosophical, curricular or instructional considerations for children birth through age 2 with established conditions.

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

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

☐ This section is not applicable for the school district.

### Statutory and Regulatory Citations

34 C.F.R. § 300.115

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020, 6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

### Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness, or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period.

### Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
  - a. The student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
  - b. The student is confined to home or hospital; and
  - c. The student will be able to participate in and benefit from an instructional program; and
  - d. The student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
  - e. The student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through grade 12 and is enrolled in a public school unless the student meets criteria for eligibility under Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, or 6A-6.03027, F.A.C.
3. A child is 3 through 5 years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, 6A-6.03026, 6A-6.03027 or 6A-6.03411, F.A.C.
4. A parent, guardian or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

### Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
  - a. A disabling condition or diagnosis with any medical implications for instruction;
  - b. A statement that the student is unable to attend school;
  - c. The plan of treatment;

- d. Recommendations regarding school re-entry and other school-related activities; and
  - e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
  3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

### **Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)**

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

### **Instructional Services**

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

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s. 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.
7. Notification agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

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

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

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

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

- ☐ Yes
- ☐ No
- ☒ N/A

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Chapter 490, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

### **Definition**

An intellectual disability (InD) is defined as significantly below-average general intellectual and adaptive functioning manifested during the child's developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

### **Eligibility Criteria**

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

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

### **Student Evaluation**

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
  - a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
  - b. A standardized assessment of adaptive behavior to include parental or guardian input.
  - c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
  - d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
  - a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
  - b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.
  - c. The educationally relevant medical findings, if any.

- d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.
- e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030151 and 6A-6.0331, F.A.C.

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030152 and 6A-6.0331, F.A.C.

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030153 and 6A-6.0331, F.A.C.

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §300.8

Section 1003.57, F.S.

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

### **Definition**

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

### **Procedures**

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

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

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

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

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

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

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

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning
- c. The educationally relevant medical findings, if any

d. Whether the student has an SLD as evidenced by response to intervention data confirming each of the following:

i. Performance discrepancy

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

ii. Rate of progress

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

iii. Educational need

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

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

i. Documentation of the specific instructional interventions used, the support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected

ii. Documentation that the student's parents or guardians were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

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

The Problem Solving Team (PST) may receive a referral from a teacher, guidance counselor, parent or other school or district level personnel. The student's teacher completed the required forms and sends the completed RtI folder to the Guidance Counselor as the Problem Solving Team (PST) facilitator. The PST facilitator convenes the PST team, including the parent, to discuss the data collected, to design an intervention plan if needed, and to obtain parental consent for intervention activities and screenings. The intervention plan will include the duration, frequency, setting, etc. for the intervention. Implementation of the plan and data collected will be reviewed at the end of the duration of the plan at a PST meeting, including the parent. The data will be presented and discussed at the meeting. The team, based on data presented, will determine if the intervention will continue, be faded out, discontinued and another intervention developed, and/or add a Tier 3 intervention. If the team then or after additional interventions are implemented determines that the student is not closing the achievement gap with peers the team may refer the student for ESE services. Parent consent for evaluation will be obtained so if additional evaluation assessments are needed they can be completed prior to the eligibility determination meeting. The completed RtI folder will be sent to the ESE Staffing Specialist.

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

The parent/guardian is invited to all PST meeting and data is shared at each meeting. The data is presented in graphic and chart form. The frequency of sharing progress monitoring information is based on the student's response to intervention. If the student after three data points is not showing progress this information is shared with parents and a change of intervention is discussed.

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

The data collected for the PST meeting compares "the student" to at least two peer groups so that the achievement gap can be monitored. STAR reading and Math, CBM probes, the core curriculum intervention materials, and classroom observations are used to monitor progress and compare growth between groups. The student profile is used to determine if any other factors such as ELL or attendance should be considered by the PST in developing an intervention plan.

### Eligibility Criteria

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

1. Evidence of an SLD

The student's parents or guardians and group of qualified personnel may determine that a student has an SLD if there is evidence of each of the following:

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

- i. Oral expression,
- ii. Listening comprehension,
- iii. Written expression,
- iv. Basic reading skills,
- v. Reading fluency skills,
- vi. Reading comprehension,
- vii. Mathematics calculation, and
- viii. Mathematics problem solving.

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

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

- ☐ The school district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.
- ☒ The school district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual basis.

1. Evidence of an SLD

- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified previously as determined through a process based on the student's response to scientific, research-based interventions, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C
- c. The group determines that its findings under the eligibility criteria areas above are not primarily the result of one or more of the following:
  - i. A visual, hearing or motor disability;
  - ii. Intellectual disability;
  - iii. Emotional or behavioral disability;
  - iv. Cultural factors;
  - v. Irregular pattern of attendance or high mobility rate;
  - vi. Classroom behavior;
  - vii. Environmental or economic factors; and
  - viii. Limited English proficiency.

2. The student demonstrates a need for special education.

### **Student Evaluation**

The evaluation procedures shall include the following:

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

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 300.8, 300.306 and 300.34

Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.

Chapters 456, 458, 459 and 468, Part I, F.S.

Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411 and 64B20-2.001, F.A.C.

### **Definitions**

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

### **Eligibility Criteria**

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

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

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

- a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts;
- b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data;
- c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education; and
- d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

## 2. Fluency disorder

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

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

## 3. Voice disorder

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

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

## **Student Evaluation**

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:
  - a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
  - b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
  - c. An examination of the oral mechanism structure and function.
  - d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.
2. For a fluency disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.
- c. An examination of the oral mechanism structure and function.
- d. An assessment of all of the following areas:
  - i. Motor aspects of the speech behaviors,
  - ii. Student's attitude regarding the speech behaviors,
  - iii. Social impact of the speech behaviors, and
  - iv. Educational impact of the speech behaviors.
- e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

- a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
- b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
- c. An examination of the oral mechanism structure and function.
- d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

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

1. Speech services

- a. A group of qualified professionals determining eligibility under the requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include an SLP.
- b. An SLP shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.
- c. Speech therapy services shall be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

- d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan (IEP) team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

## 2. Speech-language associate

- a. Speech therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed SLP with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in s. 1012.44, F.S., in school districts that qualify for the sparsity supplement as described in s. 1011.62(7), F.S.
- b. The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:
- i. The model, specifying the type and amount of direction, including direct observation, support, training, and instruction;
  - ii. The rationale for using this model;
  - iii. The manner in which the associate will be required to demonstrate competency;
  - iv. The process for monitoring the quality of services;
  - v. The process for measuring student progress; and
  - vi. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

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

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

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

### Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.34 and 300.306

Chapters 456 and 468, Part I, F.S.

Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.

Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.030121, 6A-6.03028, 6A-6.0331, 6A-6.03411 and 64B20-2.001, F.A.C.

### Definitions

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

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

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

### Eligibility Criteria

1. For prekindergarten children

A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

- a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
  - i. Listening comprehension,
  - ii. Oral expression,
  - iii. Social interaction, or
  - iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts).
- b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.
- c. Results of standardized norm-referenced instruments indicate a significant language deficit in one or more of the areas listed in the Definitions section, as evidenced by standard scores significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more of the areas listed in the Definitions section. The significance of the deficits must be determined and based on specifications in the manual of the instruments utilized for evaluation purposes.

- d. Information gathered from the child's parents or legal guardians, teachers, service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for ESE.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity or limited English proficiency.

## 2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of ESE if all of the following criteria are met:

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards, as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
  - i. Oral expression,
  - ii. Listening comprehension,
  - iii. Social interaction,
  - iv. Written expression,
  - v. Phonological processing, or
  - vi. Reading comprehension.
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 2.a. of this section when using a process based on the student's response to scientific, research-based intervention.
- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through grade 12, included in Part I of this ESE Policies and Procedures (P&P) under the Conducting Student Evaluations and Reevaluations section. There must be documentation of the following:
  - i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
  - ii. Results of standardized norm-referenced instruments indicate a significant language deficit in one or more of the areas listed in the Definitions section, as evidenced by standard scores significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more of the areas listed in the Definitions section. The significance of the deficits must be determined and based on specifications in the manual of the instruments utilized for evaluation purposes.
  - iii. Information gathered from the student's parents or guardians, teachers, and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.
  - iv. At least one additional observation conducted by the speech-language pathologist (SLP) when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instruments. The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through grade 12, included in Part I of this ESE P&P under the Conducting Student Evaluations and Reevaluations section, and the additional observations conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's

parents or legal guardians, teachers, and, when appropriate, the student, must support the results of the observations conducted.

- d. The group determines that its findings under 2.a. of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity or limited English proficiency.

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

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

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

### **Student Evaluation**

1. Children in prekindergarten

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

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

## 2. Students in kindergarten through Grade 12

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

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

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

### 1. Language services

- a. A group of qualified professionals determining eligibility under the requirements of Rule 6A-6.030121, F.A.C., and Rule 6A-6.0331(6), F.A.C., will include a SLP.
- b. A SLP will be involved in the development of the individual educational plan for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.

- c. Language therapy services will be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
- d. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

## 2. Speech-language associate

- a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed SLP with a master's degree or higher in speech-language pathology. Services under this rule can be provided for a period of three years, as described in s. 1012.44, F.S., in school districts that qualify for the sparsity supplement as described in s. 1011.62(7), F.S.
- b. The school district will submit a plan to the Florida Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
  - i. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training and instruction;
  - ii. The rationale for using this model;
  - iii. The manner in which the associate will be required to demonstrate competency;
  - iv. The process for monitoring the quality of services;
  - v. The process for measuring student progress; and
  - vi. The manner in which the speech-language associate will meet the requirements of the annual school district professional development plan for instructional personnel.

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

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

## **Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired**

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 300.8, 300.34, 300.172 and 300.324

Sections 1003.55, 1003.57 and 1003.575, F.S.

**Rules 6A-1.09401, 6A-6.03014, 6A-6.0331 and 6A-6.03411, F.A.C.**

### **Definitions**

Visual impairment including blindness means any impairment in vision regardless of significance or severity that, even with correction, adversely affects the student's educational performance. The term includes both partial sight and blindness, including ocular, brain-based and neurological disorders.

**Teacher of the visually impaired means an individual who is certified in the area of visually impaired in accordance with Rule 6A-4.0178, Florida Administrative Code (F.A.C.).**

### **Student Evaluation**

A full and individual evaluation must be conducted by a school district to identify a student with a visual impairment as eligible for exceptional student education and consider the individual needs of a student with a visual impairment when developing, reviewing, or revising an Individual Educational Plan (IEP) in accordance with Rules 6A-1.09401(1)(j), 6A-1.09414, 6A-6.03028, 6A-6.0331, and 6A-6.03411, F.A.C.

**Eligibility determination.** For a student who has, or who is suspected of having, a visual impairment, evaluation for eligibility must include a medical report and three assessments as described in paragraphs (3)(b)-(d), unless one or more of the assessments is waived as provided in paragraph (3)(e).

**Medical report.** A medical report must include a diagnosis or provide information about a student's visual impairment. This medical report must be provided by a licensed ophthalmologist, optometrist, or neurologist.

**Functional vision assessment.** A functional vision assessment considers the student's performance of daily tasks across a variety of natural environments to determine factors that influence visual access. This assessment must be conducted by a teacher of the visually impaired.

**Learning media assessment.** A learning media assessment considers and compares learning and literacy media in order to provide recommendations about which visual, tactual, and auditory learning media are appropriate for the student. These recommendations must consider the use of braille in accordance with the requirements of Rule 6A-6.03028(3)(g)8., F.A.C. This assessment must be conducted by a teacher of the visually impaired.

**Orientation and mobility screening.** The district must conduct an orientation and mobility screening. An orientation and mobility screening considers the travel needs and abilities of the student in a variety of environments. The screening must be conducted by a person who holds an orientation and mobility certification or endorsement.

### **Assessment Waiver**

If one of the assessments described in paragraphs (3)(b)-(3)(d) provides sufficient information to determine that a student with a visual impairment is eligible for exceptional student education, the other assessments must be waived for the purpose of determining eligibility. However, if the assessments were waived because they were not necessary to determine eligibility, the assessments that were waived must be completed during the IEP process.

Once a student with a visual impairment is determined eligible for exceptional student education, the district must conduct the assessments and screening as described below.

(a) The district must conduct any assessment waived for the eligibility determination as provided in paragraph (3)(e).

(b) The district must conduct a special skills assessment. A special skills assessment evaluates skills aligned with content knowledge as described in Rule 6A-1.09401(1)(j), F.A.C. This assessment must be conducted by a teacher of the visually impaired.

**Reevaluation**

Reevaluation of students with visual impairment must comply with Rule 6A-6.0331(7), F.A.C., and, in addition, the reevaluation must include:

1. A medical report as referenced in paragraph (3)(a), unless a medical report is waived by the student's IEP team if the team finds that there is no suspected change in visual functioning, or if the team is provided a physician's written recommendation to waive the medical report for students with bilateral anophthalmia; and
2. An evaluation of skills known to be impacted by visual impairment as required for determining initial eligibility.

**Supportive Services**

The district must make available referral forms, links, and technical support contacts for services to students and parents. These resources include:

- (a) Critical Initiatives in Visual Impairment Project Florida State University (CIVI-FSU);
- (b) Florida Division of Blind Services (DBS);
- (c) Florida Division of Vocational Rehabilitation (VR);
- (d) Florida Instructional Materials Center for the Visually Impaired (FIMC-VI);
- (e) Florida Low Vision Initiative (FLVI); and
- (f) Florida School for the Deaf and the Blind (FSDB).

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

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

## **Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service**

### **Statutory and Regulatory Citations**

34 CFR §300.34

Chapters 456 and 468, Part III, F.S.

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

### **Definitions**

1. Occupational therapy means services provided by a licensed occupational therapist or a licensed occupational therapy assistant.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.
3. Include input from the occupational therapist to assist the individual educational plan (IEP), educational plan (EP) or individualized family support plan (IFSP) team when the educational need for occupational therapy as a related service is being determined.

### **Assessments**

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

### **Determination of Need for Occupational Therapy**

To determine the need for occupational therapy as a related service for the IEP, EP or IFSP team shall:

1. Review assessments conducted by the related service provider and all other relevant data; and
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.

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

1. The licensed occupational therapist shall provide input to assist the IEP, EP or IFSP team when:
  - a. The educational need for occupational therapy as a related service is being determined, and
  - b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with Rule 6A-6.03024, F.A.C., a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
  - a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
  - b. The occupational therapy assistant is supervised by the licensed occupational therapist.
  - c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such a plan of treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.
  - d. The supervising occupational therapist need not always be physically present or on the premises when the licensed occupational therapy assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

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

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

## **Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Service**

### **Statutory and Regulatory Citations**

34 CFR §300.34

Chapters 456, 458, 459, 461, 466 and 486, F.S.

Sections 1003.01 and 1003.57, F.S.

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

### **Definitions**

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

### **Assessments**

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

### **Determination of Need for Physical Therapy**

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

1. Review assessments conducted by the related service provider and all other relevant data; and
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.

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

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
  - a. The educational need for physical therapy as a related service is being determined, and
  - b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
  - a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
  - b. Within the same geographic location as the physical therapist assistant.
  - c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.
  - d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

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

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

## Section C: Individual Educational Plan

### Statutory and Regulatory Citations

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

Sections 1001.02, 1002.20, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.

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

### Definition

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

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

### Procedures

#### 1. Role of parents

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

- a. Providing critical information regarding the strengths of their student;
- b. Expressing their concerns for enhancing the education of their student so that their student can receive a free appropriate public education (FAPE);
- c. Participating in discussions about the student's need for special education and related services;
- d. Participating in deciding how the student will be involved and progress in the general education curriculum, including participation in state and school district assessments;
- e. Participating in the determination of what services the school district will provide to their student and in what setting; and
- f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Industry Scholar designation in accordance with s. 1003.4285, F.S.
- g. For the IEP in effect at the beginning of the school year the student is expected to graduate, 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 the receipt of his or her standard high school diploma, must be included in the student's IEP.

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

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

- a. To ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting the following must occur:
  - i. Parents are notified of the meeting early enough to ensure that they have an opportunity to attend.
  - ii. The meeting is scheduled at a mutually agreed upon time and place.
  - iii. A written notice to the parent indicates the purpose; time; location of the meeting; and who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with

special knowledge or expertise about their child. Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA. Parents may also be accompanied by an adult of their choice at a meeting with school district personnel.

- iv. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student must also be included as part of the IEP team. Consistent with federal law, the determination of knowledge or special expertise must be made by the party (parent or school district) who invites the individual to be a member of the IEP team.
- v. Decisions as to which teachers and special education providers are members of the IEP team are made by the school district, based on the needs of the student.
- vi. The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the IEP team and, thus, would require excusal as described in subsection 4 below.

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

- b. Not later than the first IEP to be in effect when the student attains the age of 12 or seventh grade, whichever occurs first (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify the transition services needs of the student and that the school district will invite the student.
- c. The provision of information must be given to the student and the parents about the following resources:
  - i. The school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access them;
  - ii. School-based transition programs; and
  - iii. Programs and services available through the Florida Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services.
- d. Not later than the first IEP to be in effect when the student turns 14 or enters high school (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be the consideration of postsecondary and career goals and transition services for the student, which must be operational and in place to begin implementation not later than the first day of the student's first year of high school, and that the school district will invite the student and identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the school district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parent. In this case, the school district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:
  - i. Detailed records of telephone calls made or attempted, and the results of those calls;
  - ii. Copies of correspondence sent to the parents and any responses received; and
  - iii. Detailed records of visits made to the parents' home or place of employment, and the results of those visits.
- g. The school district takes whatever action is necessary to ensure that the parents, and the student when the student is age 12 or in grade 7, whichever occurs first, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

- h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
- i. The school district provides the parent with a copy of the IEP at no cost to the parent.

### 3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

- a. The parents of the student
- b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment. The regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:
  - i. Appropriate positive behavioral interventions and supports and other strategies for the student; and
  - ii. Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student.
- c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student
- d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the school district. At the school district's discretion, the student's special education teacher may be designated to also serve as the school district representative, if the teacher meets these requirements.
- e. An individual who can interpret the instructional implications of evaluation results. Another member of the IEP team may fulfill this role.
- f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel. The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting.
- g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the school district takes other steps to ensure that the student's preferences and interests are considered.
- h. Agency representatives—To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services. Parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.
- i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services.
- j. The school district will determine the specific personnel to fill the roles.

### 4. IEP team member excusal

- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's

area of curriculum or related services is not being modified or discussed in the meeting.

- b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.
- c. The school district has designated the following individuals, by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the school district, to excuse an IEP team member from attending an IEP team meeting.

**Identify the individuals, by title or position, who have been granted this authority.**

The ESE Director, LEA, or staffing specialist will have the authority to excuse an IEP team member from the meeting.

**4. IEP team member excusal (continued)**

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

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

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

**6. IEP timelines**

Timelines for IEPs include the following:

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

**7. Considerations in IEP development, review, and revision**

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

- a. Strengths of the student and concerns of the parents for enhancing the education of their child
- b. Results of the initial or most recent evaluation or reevaluation
- c. As appropriate, results of the student's performance on state or districtwide assessments
- d. Academic, developmental and functional needs of the student.
- e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior.
- f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP.

- g. In the case of a student who is blind or visually impaired, the provision of instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the student's reading and writing skills needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student.
- h. The communication needs of the student
  - i. In the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at <https://www.flrules.org/gateway/reference.asp?No=Ref-04776>) adopted by the State Board of Education during the development of the IEP for students who are deaf or hard of hearing or have a dual sensory impairment. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.
  - j. Whether the student requires assistive technology devices or services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices to receive a FAPE.
  - k. At least annually, whether extended school year (ESY) services are necessary for the provision of a FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary. School districts may not limit ESY to categories of a disability or unilaterally limit the type, amount or duration of those services. ESY services must be consistent with the following:
    - i. Pursuant to 34 C.F.R. § 300.106, ESY services must be considered by the IEP or IFSP team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the school district, in accordance with the child's IEP or IFSP and at no cost to the parent of the student and meets the standards of the state educational agency.
    - ii. ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure a FAPE. In many cases, not all the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
    - iii. Parental requests for ESY services must be considered; however, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of a FAPE, then a written informed notice of refusal must be provided.

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

A student's need for ESY services is determined at least annually by the student's IEP team and on a case-by-case individualized basis and is documented using the district's form "Extended School Year Addendum to IEP". Each team will determine whether ESY services are needed for the provision of FAPE to the child and, if so, what particular special education or related services will be provided during the applicable break in instruction (e.g., the summer break, etc.). Criteria to be considered by the IEP team in making the ESY determination may include: Regression/recoupment Degree of progress Emerging skills breakthrough Interfering behaviors Nature/severity of disability Critical point of instruction Special circumstances as appropriate and applicable Relevant data will be collected by teachers and other service providers throughout the school year as to a student's rate of regression/recoupment in critical skill areas that may form support for the IEP team's ESY determination. In Addition, all existing relevant additional data will be collected and a student's IEP team will do the following: Review all relevant data collected regarding the student's progress toward meeting goals on critical life skills and determine whether the student's degree of progress toward the goals will prevent the student from receiving benefit from the educational program during the regular school year without ESY services: Review all relevant data collected regarding the student's goals and objectives targeting critical life skills and determine whether any of the skills are at a breakthrough point. Review all relevant data collected and determine whether any interfering behaviors targeted by the IEP's goals/objectives have prevented the student from receiving educational benefit during the previous school year and whether interruption of instruction on those objectives caused a break in instruction will prevent the student from receiving benefit from the educational program during the next school year. Review all relevant data collected and determine whether, without ESY services, the nature and/or severity of the student's disability is likely to prevent the student from receiving educational benefit during the regular school year. Review all relevant data collected and determine whether, without ESY services, the student requires instruction in critical skill area(s), resulting in the likelihood that the student will not receive educational benefit during the school year. and Review all relevant data collected and determine whether ESY services are needed considering any special circumstances, such as parental concerns, legal consideration and special needs of the student. If the IEP meeting is held in the fall a decision regarding ESY is made at that time if there is sufficient data to warrant ESY at that time. All IEPs are reviewed in the Spring of the year to review current data, and to seek input from all relevant team members to determine need for ESY.

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

The district annually provides training to staff to include teachers, therapist and administrators regarding the criteria to be considered by the IEP team in making the ESY determination, as outlined above. During this training staff are in-serviced regarding the varying delivery methods that may be used to provide ESY services to students based on their individual needs. These delivery methods are based on the individual needs of students and there is no predetermined set period of time for these services to be provided. The ESY delivery models are monitored by the Director of Special Education, Staffing Specialist, and building level principal. Liberty County offers various service delivery models to students such as specially designed instruction, credit recovery, therapy services, and home instruction. The amount, type, and duration of ESY services are determined by IEP teams on an individual basis for each student. These ESY services are monitored by ESE teachers and staff who are employed to provide ESY services, as well as by staffing specialist who review lesson plan, therapy logs, therapist notes, and time sheets for teacher and therapist. The building level administrator conducts walk-throughs during the duration of ESY.

**7. Considerations in IEP development, review and revision (continued)**

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

**8. Prior Written Notice**

Written notice must be given to the parents of a child with a disability within a reasonable time before the school district:

- a. Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE; or
- b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

The content of the notice must be written in language understandable to the public and provided in the native language or other mode of communication used by the parents unless it is not feasible to do so. If it is not feasible, the school district must take steps to ensure that there is evidence that the notice is translated orally or by other means to the parents in the native language or other mode of communication used by the parents and must include the following:

- a. A description of the action proposed or refused by the school district;
- b. An explanation of why the school district proposes or refuses to take the action;
- c. A description of each evaluation procedure, assessment, record or report the school district used as a basis for the proposed or refused action;
- d. A statement that the parents of a child with a disability have protection under the procedural safeguards if the notice is not an initial referral for evaluation and how a copy of a description of the procedural safeguards can be obtained;
- e. Sources for the parents to contact to obtain assistance in understanding the notice;
- f. A description of other options that the IEP team considered and the reasons why those options were rejected; and
- g. A description of other factors that are relevant to the school district's proposal or refusal.

## 9. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum or for prekindergarten children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student..
- e. A statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general education curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and without disabilities in compliance with state and federal laws. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or school district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate school district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or school district assessments and, if applicable why the particular school district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or an exemption due to medical complexity in accordance with s. 1008.22(12), F.S., the

school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

- h. The projected date for the beginning of the special education, services, accommodations and modifications described and the anticipated frequency, location and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as using quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
- j. A statement to identify any Career and Professional Education (CAPE) digital tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.

#### 10. Transitional needs addressed within IEP

- a. During the student's seventh grade year or when a student attains the age of 12, whichever occurs first, IEP teams must begin the process of identifying the need for transition services of students with disabilities before the student enters high school or attains the age of 14, whichever occurs first, in order to have identified postsecondary and career goals. The plan must be operational and in place to begin implementation on the first day of the student's first year in high school. This process must include, but is not limited to, the following:
  - i. Consideration of the student's need for instruction or the provision of information in self-determination and self-advocacy to assist the student to be able to participate in IEP team meetings actively and effectively.
  - ii. Preparation for the student to graduate from high school with a standard high school diploma pursuant to s. 1003.4282, F.S., with a Scholar designation unless the parent chooses an Industry Scholar designation.
  - iii. Provision of the information to the student and his or her parent of the school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on school-based transition programs and programs and services available through Florida's Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services. Referral forms, links, and technical support contacts for these services must be provided to students and parents at IEP team meetings.
- b. Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:
  - i. A statement of intent to pursue a standard high school diploma and a Scholar or Industry Scholar designation, as determined by the parent.
  - ii. A statement that documents discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma.
  - iii. 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, the 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 the receipt of diploma.
  - iv. A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. The IEP must also specify the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
  - v. A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training; education; employment; and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.

- vi. Any change in the IEP for the goals specified above must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572, F.S.
- vii. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- c. Beginning at least one year before the student's 18th birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.
- d. Beginning with the 2015-2016 school year, a statement identifying CAPE digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.
- e. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law, a school district must provide the student with a summary of the student's academic achievement and functional performance, which should include recommendations on how to assist the student with meeting the postsecondary and career goals.

#### 11. Requirements for a Standard Diploma

The requirements for a standard diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

#### 12. High School Graduation Requirements for Students with Disabilities

##### a. General requirements.

Students with disabilities entering grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade-point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s. 1008.22(3)(d)2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(12), F.S.

##### b. Definitions from Rule 6A-1.09963, F.A.C.

- i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with the most significant cognitive disabilities and are designed to provide these students with access to the general education curriculum.
- ii. Alternate assessment. In accordance with s. 1008.22(3)(d), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities to measure performance on the access points.
- iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(8)(b)2.d., F.S. This plan is separate from the IEP.
- iv. Eligible Career and Technical Education (CTE) courses. Eligible CTE courses include any ESE or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students

with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

- c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in access points is the most appropriate means of providing the student access to the general education curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
  - i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may
  - ii. substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
  - iii. Participation in the Florida Alternate Assessment in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.
  - iv. A score of at least a Level 4 on the Florida Alternate Assessment in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the end-of-course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(d), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
  - v. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multimedia portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.
- d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
  - i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may substitute for English IV; one mathematics credit, except for Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
  - ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(8)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.
  - iii. Documented achievement of all components defined in s. 1003.4282(8)(b)2.b., F.S., on the student's employment transition plan.

- e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
- f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements in s. 1003.4282(8)(c), F.S.
  - i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
    - 1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.
    - 2. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a FAPE. This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
    - 3. School districts must ensure that the names of students deferring their diploma be submitted to appropriate school district staff for entry in the school district's management information system. Improper coding in the school district database will not constitute failure to defer.
  - ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until his or her 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

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

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

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

In accordance with 34 C.F.R. § 300.503, each consent form must be provided in the parent's native language as defined in 34 C.F.R. § 300.29. Both consent forms can be found in multiple languages at <https://www.fldoe.org/academics/exceptional-student-edu/beess-resources/parental-consent-form-prior-written-no.stml>. A school district may not proceed with the actions described above unless the school district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the school district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), F.S., if a school district determines that there is a

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

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

#### 14. Least restrictive environment (LRE) and placement determinations

- a. To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students without disabilities. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

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

**What is the date the BPIE was completed?**

April 10, 2024

**Upload the Plan for Inclusive Education: Short- and Long-Term Improvement Efforts document in Appendix F.**

**Upload the District Best Practices for Inclusive Education Assessment document (District's BPIE Indicator Rating Tally Sheet) in Appendix F.**

**What is the anticipated date for the triennial BPIE assessment, if known?**

Not known at this time.

#### 14. Least restrictive environment (LRE) and placement determinations (continued)

- b. Special classes, separate schooling or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c. A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

**Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another district to provide a placement option, please indicate this as well.**

The continuum of alternative placements includes consultation between ESE and general education teachers with no direct service; monitoring/consultation with the student at designated intervals; instruction in regular education classes with specialized instruction provided by the general education/ESE teacher who is dual certified; instruction in regular education classes with "push in" or "pull out" inclusion support by a certified ESE teacher; instruction in resource classrooms by an ESE teacher; instruction in separate classes by teachers who are certified in ESE and subject area; and contracted services with Leon County for a small population of students serviced in their separate day school.

**Describe the school district's procedures regarding provision for supplementary services to be provided in conjunction with regular class placement.**

Liberty County provides supplementary services for students with disabilities in various ways based on IEP team decisions. Services may be provided in the general education classroom with the support of an ESE inclusion teacher and/or paraprofessional, in a co-teaching setting, or the student may receive academic instruction in the general education classroom and then go to the ESE resource classroom setting to receive additional supports needed such as re-teacher or pre-teaching skills.

#### 14. Least restrictive environment (LRE) and placement determinations (continued)

- d. In determining the educational placement of a student with a disability, including a prekindergarten child with a disability, each school district must ensure that:
  - i. The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - ii. The placement decision is made in accordance with the LRE provisions listed above.
  - iii. The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
  - iv. Unless the IEP of a student with a disability requires another arrangement, the student is educated in the school that he or she would attend if without disabilities.
  - v. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
  - vi. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- e. In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students without disabilities to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

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

The school district ensures that the IEP team:

- a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved;
- b. Revises the IEP as appropriate to address:

- i. Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate,
  - ii. Results of any reevaluation conducted,
  - iii. Information about the student provided to or by the parents,
  - iv. The student's anticipated needs or other matters, and
  - v. Consideration of the factors described previously (subsection 7);
- c. Responds to a parent's right to ask for revision of the student's IEP; and
  - d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible.

#### 16. Changes to the IEP

Changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the school district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided with a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

- a. Changes to the postsecondary or career goals; and
- b. Changes in the selected graduation option specified in the student's IEP and any waiver of statewide, standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(d), F.S.

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

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

#### 18. IEP implementation and accountability

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

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

If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the

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

#### 20. Access to instructional materials

The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

#### 21. Physical education

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

#### 22. Treatment of charter school students

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

- a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on site to its other public schools; and
- b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:
  - i. Including proportional distribution based on relative enrollment of students with disabilities; and
  - ii. At the same time as the school distributes other federal funds to its other public schools;

#### 23. Program options

The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to students without disabilities in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

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

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

## Section D: Discipline

### Statutory and Regulatory Citations

34 CFR §§300.530–300.537

Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.

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

### Definitions

#### 1. Change of placement because of disciplinary removals

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

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

#### 2. Controlled substance

A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

#### 3. Illegal drug

An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

#### 4. Serious bodily injury

Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

#### 5. Weapon

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

#### 6. Manifestation determination

A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

#### 7. Interim alternative educational setting (IAES)

An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

## Procedures

### 1. Students with disabilities whose behavior impedes their learning or the learning of others

For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

#### **Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.**

Program assistants train the teachers of Emotional Behavioral Disabled, Autism Spectrum Disorder, and Intellectually Disabled students on an annual and ongoing basis. Teachers in all other programs receive instruction through Admissions and Placement manual regarding consideration for a Behavior Intervention Plan. Those who perform Crisis Prevention Intervention (CPI) have included in their training, behavior interventions that are less restrictive than restraint. School based administration receive training in a separate setting regarding CPI and other interventions to deescalate behaviors. Liberty County School District utilizes SEDNET (Department of Education Discretionary Project) to provide annual/as needed training for students with EBD eligibility; The FSU CARD Center for training regarding students with Autism Spectrum Disorder; Other supports are provided to the district/staff through ISRD, FDLRS, PAEC, District Contracted Behavioral Services, etc.

#### **Describe how the district addresses behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.**

Where the IEP team is considering special factors during an IEP meeting determines that the student has behavior that impedes his/her learning or the learning of others, such must be indicated on the IEP, and the IEP team must address that behavior in the development of the IEP. The team must address the student's behavior by reflecting, at least one, two or all of the following in the student's IEP: 1) that an FBA or BIP will/has been done and will/does exist for the student and is listed as a service in the IEP; 2) and IEP goal in the area of behavioral concern is included in the IEP; 3) specially designed instruction and/or related services are provided to address the behavior.

### 2. Authority of school personnel

Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

- a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days
- b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement, as defined in Rule 6A-6.03312, F.A.C.

#### **Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.**

Monitoring out-of-school suspensions, to include the review of suspension/expulsion data. Based on continuous monitoring model our district collects, analyzes and reports suspension and expulsion data for each school. Monthly reports are provided by each school to the district office. Data are analyzed by incident types, disability category, age, gender and ethnicity, and number of days out of school. School staff are encouraged to utilize the data in order to develop intervention plans.

**Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).**

All discipline data are entered into the FOCUS data base system. The ESE Director monthly monitors the suspension of ESE students using this system. All ESE students recommended for expulsion are first reported to the ESE Director for determining whether a pattern of removals constitutes a change of placement. A change of placement is defined as: a removal for 10 or more consecutive days; a series of removals that constitute change of placement because removals cumulate to more than 10 school days in a year; student behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and because of additional factors such as length of each removal total amount of time the student has been removed and the proximity of removals to one another. It is determined on a case by case basis to determine if a pattern of removals constitute a change of placement.

### 3. Manifestation determination

A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
  - i. Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
  - ii. Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.
- c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
  - i. Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
  - ii. If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
  - iii. Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.
- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

**Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.**

Upon receipt of the discipline referral packet a manifestation determination review is scheduled. In no case is the manifestation determination delayed more than five days after the infraction.

**Describe the school district's procedures for determining participants for these reviews.**

Required participants are the IEP team with appropriate composition required by law. In addition to the required IEP team participants may include social workers and school psychologists.

**Describe the school district's procedures for initiating and conducting FBAs and developing BIPs in a timely manner.**

The IEP team and additional members who conduct the manifestation determination review will initiate the FBA/BIP, if required. If the student has an FBA and BIP it is reviewed and revised as appropriate during the meeting (which includes the qualified personnel). The district contracts with a Behavioral Company who provides the district with certified BCBA's to conduct and/or update FBAs/BIPs for these students.

**Describe the school district's procedures for providing training regarding initiating and conducting FBAs and developing and implementing BIPs to include who provides the training and frequency.**

Designated district staff participate in training provided by PAEC and/or the contracted Behavioral Company regarding the initialing and conducting of FBAs and developing and implementing BIPs. All school level administrators are in-serviced annually regarding the requirements of FBAs and BIPs. Selected staff are in-serviced annually or on an as needed basis throughout the school year. Priority training is provided to staff who have students who need/or have BIPs being implemented.

**Describe the school district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.**

If a student with a disability has been suspended for more than 10 school days in a year, and the behavior is determined to not be a manifestation of their disability, the student will continue to receive special education and related services as determined by the school administrator and at least one of the student's special education teachers in order to continue to provide FAPE. The student will, at a minimum, have a packet of work to complete while suspended and will have access to the special education teacher and general education teachers during predetermined work hours to assist the student in work completion. The student work is graded and counts towards their final grade.

**Describe the school district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.**

If a parent disagrees with a manifestation determination decision, the parent may request an expedited due process hearing. The ESE Director will immediately select a date for the resolution meeting and notify the parents and/or other participants in the resolution meeting of the date. The Superintendent's letter to the Division of Administrative Hearings (DOAH) would specify that the request is for an expedited hearing. Further, the board attorney would communicate with both the parent and DOAH that the hearing needs to be expedited as per federal and state regulations. The meeting will be convened with 7 days of the district's receipt of notice of the request for an expedited due process hearing.

**4. Notification to the parent of a removal that constitutes a change of placement of a student**

On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a Code of Student Conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.

**5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES**

- a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to students without disabilities who are similarly removed.
- b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the

measurable annual goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.

- c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the measurable annual goals in the student's IEP.
- d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

**Describe the school district's procedures for providing FAPE to students with disabilities who are suspended (in school and out of school), expelled, or placed in an IAES.**

Our district reviews and revises the IEP and FBA/BIP to address a change in placement and there is never a cessation of service, as mandated by case law and legal requirement.

**Describe the school district's procedures for providing training and support for staff members who provide services to students with disabilities who are suspended (in school and out of school), expelled, or placed in an IAES.**

Training may be provided by curriculum specialist, staffing specialist, and/or behavior analysts. Supports to staff include behavior health assistants, lower pupil-teacher ratio, and mental health counselors.

#### 6. Special circumstances and IAES

- a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
  - i. Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state educational agency (SEA) or a school district;
  - ii. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
  - iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district.
- b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a Code of Student Conduct, the school district shall notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

**Describe the school district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.**

Parents/guardians are provided written prior notice to attend an IEP meeting, with attached procedural safeguards. The procedural safeguards are again provided to the parent/guardian at the time of the meeting and are also made available online for parent review. Prior to this meeting no decision for removal is made. If the IEP team decides to change the placement, prior written notice is provided to the parent if in attendance. If the parent is not in attendance they receive written notice. This procedure is applicable for all violations of the code of conduct including expellable offenses.

**Describe the school district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.**

The ESE staffing specialist monitors the initiation/duration dates on the IEP. An interim IEP meeting is held before the duration date.

#### 7. Appeal and expedited hearings

- a. An expedited hearing may be requested by:
  - i. The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.; and
  - ii. The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
- c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Florida Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:
  - i. A resolution meeting will occur within seven days of receiving notice of the request for an expedited due process hearing; and
  - ii. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing.
- d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1), F.S.

**Describe the school district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.**

Unless the parent and the district agree in writing to waive the resolution meeting, the district's ESE Director will immediately select a date for the resolution meeting and notify the parents and/or other participants in the resolution meeting of the date. The meeting will be convened within 7 days of the district's receipt of notice of the request for an expedited due process hearing.

#### 8. Authority of an ALJ

An ALJ hears and makes a determination regarding an appeal and request for an expedited due process hearing under this subsection and, in making the determination:

- a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or
- b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

#### 9. Student's placement during appeals or expedited due process proceedings

When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Florida Department of Education or school district agree otherwise.

## 10. Protections for students not determined eligible for special education and related services

A regular education student who has engaged in behavior that violated a Code of Student Conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C., if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

### a. Basis of knowledge

A school district is deemed to have knowledge that a student is a student with a disability if:

- i. The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services;
- ii. The parent has requested an evaluation to determine whether the student is in need of special education and related services; or
- iii. The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

### b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- i. The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- ii. The parent of the student has refused to provide consent for initial provision of special education and related service;
- iii. The parent of the student revoked consent for the student to receive special education and related services; or
- iv. The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

### c. Conditions that apply if no basis of knowledge

- i. If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability who engages in comparable behaviors.
- ii. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

## 11. Reporting a crime

Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state laws to crimes committed by a student with a disability.

## 12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts shall ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 C.F.R. § 300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.

**Describe the school district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.**

The principal, in most cases, makes the recommendation regarding the disciplinary action and transmits copies of all records including disciplinary reports to the IEP team and when appropriate, the school board. These records are provided only to appropriate legal authorities.

**13. Disciplinary records of students with disabilities**

School districts shall include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of students without disabilities.

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

## Section E: Participation in State and District Assessments

### Statutory and Regulatory Citations

34 C.F.R. § 300.8

Chapters 458 and 459, F.S.

Sections 1003.01, 1003.428, 1003.4282, 1003.43, 1003.433, 1007.02, 1008.212, 1008.22, 1008.25 and 1011.62, F.S.

Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03018, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

### Statewide, Standardized Assessment Program

#### 1. Purpose

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff and assess the achievement level and learning gains of each student in English Language Arts (ELA), mathematics and all other subjects assessed.

#### 2. Student participation

- a. Each student with a disability has the opportunity to participate in the statewide, standardized assessment program and any districtwide assessment of student achievement with allowable accommodations, if determined appropriate by the individual educational plan (IEP) team and recorded on the student's IEP.
- b. Accommodations identified for testing situations are those identified in the test administration manual and regularly used by the student in the classroom.
- c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide, standardized assessments and acknowledge, in writing, the implications of such accommodations.
- d. Eligible students may receive paper-based accommodations (regular-print, large-print, one-item-per-page, braille). Students must have an IEP or Section 504 Plan that clearly indicates the reason that the computer-based test is not currently accessible or appropriate for the student. Documentation should include: 1. Whether or not the student is currently able to use a computer or mobile device to engage in instruction/assessments; 2. Accommodations/assistive technology the student needs when using a computer or mobile device; 3. Training and services the student needs to successfully use a computer or mobile device in instruction/assessments; and 4. The type of media/accommodations (e.g., paper, braille) that are necessary if it is determined that the student cannot use a computer or mobile device for the foreseeable future.
- e. Unique accommodations are specialized accommodations that require alterations to existing test materials, presentation, or administration guidelines. Requests may be submitted for such accommodations that are outside of the scope of currently available test materials and/or established test administration procedures. A unique accommodation must be documented on an IEP or Section 504 Plan, must be used regularly by the student in the classroom, and must not negate the validity of the assessment.
- f. For students with the most significant cognitive disabilities, the Florida Department of Education shall provide for the implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the state academic standards.
- g. Students who are identified solely as gifted are not eligible for statewide, standardized assessment accommodations.

#### 3. Allowable accommodations

Allowable and appropriate accommodations for K-2 statewide, standardized progress monitoring assessments are included in the FAST K-2 Renaissance Star Assessments Administration Manual and the K-2 Progress Monitoring Statewide Assessments Accommodations Guide. These resources can be found at <https://flfast.org/testing-resources-K2-tech-coord.html>.

Allowable and appropriate accommodations for grades 3-10 statewide, standardized progress monitoring assessments are included in the Test Administrator User Guide and the Statewide Assessments Accommodations Guide. These resources can be found at <https://flfast.org/coordinators.html#region03>.

Associated Resources for preparing, administering and reviewing data of the statewide, standardized progress monitoring assessments published by the Florida Department of Education's (FDOE) Office of Assessment can be found at <https://flfast.org/coordinators.html>.

#### 4. Waiver of assessment requirements

A student with a disability, as defined in s. 1007.02, F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment **results** waived for the purpose of receiving a course grade and a standard high school diploma. Such a waiver shall be designated on the student's transcript.

### Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., a student with a disability may be eligible for an exemption from participation in the statewide assessment.

#### 1. Definitions

- a. "Circumstance" means a situation in which accommodations allowable for use on the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program, which lead to results that reflect the student's impaired sensory, manual or speaking skills, rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
- b. "Condition" means an impairment, whether recently acquired or longstanding, that affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
- c. "Medical complexity" – Pursuant to s. 1008.22(12), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
- d. "Parent" – Pursuant to Rule 6A-6.03411(1)(bb), F.A.C., parent means:
  - 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.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d), F.S., shall be granted

an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the school district superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
  - a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills;
  - b. Written documentation of the most recent evaluation data;
  - c. Written documentation, if available, of the most recent administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;
  - d. A written description of the condition's effect on the student's participation in the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;
  - e. Written evidence that the student has had the opportunity to learn the skills being tested;
  - f. Written evidence that the student has been provided appropriate instructional accommodations;
  - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP that are allowable in the administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments;
  - h. Written evidence of the circumstance or condition as defined in Rule 6A-1.0943(1), F.A.C.; and
  - i. The name, address and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in Rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the FDOE shall inform the parent of any no-cost or low-cost legal services and other relevant services available in the area. The FDOE shall arrange a hearing with the Division of Administrative Hearings (DOAH), which must commence within 20 school days after the parent's request for the expedited hearing. The administrative law judges at DOAH shall make a determination within 10 school days after the expedited hearing. The standard of review for an expedited hearing is de novo, and the FDOE has the burden of proof.

### **Exemption for a Child With Medical Complexity**

In accordance with s. 1008.22, F.S., a child with a medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA)—Performance Task and the FAA—Datafolio, pursuant to the following provisions:

1. *Definition.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

2. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options:

- a. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including those in the FAA program. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner beginning June 1, 2015, and each June 1 thereafter:
  - i. The total number of students for whom a one-year exemption has been granted by the superintendent; and
  - ii. For each student receiving an exemption, the student's name, grade level, and the specific statewide, standardized assessments from which the student was exempted.
- b. One-, two- or three-year or permanent exemption approved by the commissioner as described in s. 1008.22(12), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner no later than 30 calendar days before the first day of the administration window of the statewide, standardized assessment for which the request is made:
  - i. The student's name, grade level, and the statewide, standardized assessment for which the exemption request is made;
  - ii. The name, address and phone number of the student's parent;
  - iii. Documentation of parental consent for the exemption;
  - iv. Documentation of the superintendent's approval of the exemption;
  - v. Documentation that the IEP team considered and determined that the student meets the definition of a child with medical complexity as defined in s.1008.22(12), F.S.; and
  - vi. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or 459, F.S.
- c. Upon receipt of the request, documentation and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

### **Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS)**

1. Students with a most significant cognitive disability, for whom the statewide, standardized assessment—even with allowable accommodations—is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAAS.
2. Eligibility requirements

The decision that a student with a most significant cognitive disability will participate in the statewide alternate assessment program as defined in s. 1008.22(3)(d), F.S. and Rule 6A-1.0943(5)(a), F.A.C., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the FAA program, in accordance with s. 1003.5715, F.S., and Rule 6A-6.0331(10)(b), F.A.C., must be followed. The following criteria must be met:

- a. Even with appropriate and allowable instructional accommodations, assistive technology or accessible instructional materials, the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
- b. The student requires direct instruction in academic areas of English language arts (ELA), math, social studies and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

### 3. Eligibility areas excluded

Per Rule 6A-6.03018, F.A.C., and 34 C.F.R. § 300.8(c)(10)(ii), students with a primary exceptionality of a specific learning disability (SLD) does not include students with learning problems that are primarily the result of an intellectual disability. Per s. 1008.22, F.S., and Rule 6A-1.0943, F.A.C., only students with a most significant cognitive disability are eligible to participate in the FAA program. Therefore, students with a primary disability category of SLD cannot participate in the FAA program and subsequently should not be enrolled in access courses that align to the FAA program.

### 4. School district and IEP team requirements

If it is determined by the IEP team, using the "Checklist for Course and Assessment Participation," that the student will participate in the statewide assessment through the AA-AAAS, the IEP must contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. The IEP also must indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The "Checklist for Course and Assessment Participation" may be accessed at <https://faa.fsassessments.org/-/media/project/client-portals/florida-alt/2023-2024-faa/manuals-and-guides/checklist-for-course-and-assessment-participation.pdf>.

### 5. Administration of the AA-AAAS

The assessment will be administered individually by the student's exceptional student education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAAS must be trained in administration procedures and receive annual update training.

### 6. Additional Information Required

An alternate assessment is required for any districtwide assessment of academic student achievement that is not administered to students on alternate academic achievement standards.

The school district administers districtwide assessments of academic student achievement.

- ☒ Yes  
☐ No

**If yes, include the name of each districtwide assessment and whether the assessment is administered to students on alternate academic achievement standards. If the districtwide assessment is not administered to students on alternate academic achievement standards, identify the corresponding alternate assessment. (If your school district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade-level alternate academic achievement standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used, and how the school district ensures that all teachers are collecting the same information and scoring the data the same way.)**

The District Wide Assessment for students of alternate academic achievement standards are STAR Early Literacy, STAR Reading, STAR Math, and iReady Reading and Math Diagnostic Assessments. An alternate district assessment, if determined needed, for students on alternate academic achievement standards would be the Brigance Comprehensive Inventory of Basic Skills.

### **Parental Consent Documentation**

In accordance with s. 1003.5715, F.S., and Rule 6A-6.0331(10), F.A.C., the school district may not proceed with a student's instruction in access points and the administration of an alternate assessment without written and informed parental consent unless the school district documents reasonable efforts to obtain parental consent and the student's parent has failed to respond or the school district obtains approval through a due process hearing. The school district shall obtain written parental consent for the actions described above on the Parental Consent Form – Instruction in Access Points – Alternate Academic Achievement Standards (AP-AAAS) and Administration of the Statewide, Standardized Alternate Assessment, Form 313181 <https://www.flrules.org/Gateway/reference.asp?No=Ref-14585>.

The school district certifies that it either obtains prior parental consent or due process approval for every student participating in the FAA program. If prior parental consent is not obtained, the school district certifies that it has documentation of reasonable efforts to obtain that approval and consent, or a final order from DOAH.

- ☒ Yes  
☐ No

### Percentage of Students on Alternate Assessment

The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (which can be found at <https://www.ed.gov/essa>), limits the percentage of students that a state may assess with an AA-AAAS to no more than 1 percent of all assessed students in the grades assessed in a state for each subject.

While there is a limit on the percentage of students statewide who may participate in the AA-AAAS, there is no such limit among school districts; however, 34 C.F.R. § 200.6(c)(3)(ii) and (iv) require that a school district submit information justifying the need to assess more than one percent of its students in any subject with an AA-AAAS. The state must make that information publicly available, provided that such information does not reveal personally identifiable information about an individual student.

It is understood that school districts have unique circumstances that may contribute to a higher number of students who are in access courses and participating in the FAA program. The purpose of this justification is to ensure that school districts are cognizant of their current processes and procedures to ensure that an IEP team decision to place a student in access courses is in alignment with state requirements and is the most appropriate academic decision for the student.

What is your school district's 2022-23 participation percentage in the FAA in the following areas?

#### Reading

3.9

#### Mathematics

4.4

#### Science

4.8

Is the school district over one percent in any area?

- ☒ Yes  
☐ No

The criteria for the following statement is outlined in s. 1008.22(3)(d), F.S., and Rule 6A-1.0943, F.A.C., and on the Checklist for Course and Assessment Participation, which can be found at <https://faa.fsassessments.org/-/media/project/client-portals/florida-alt/2023-2024-faa/manuals-and-guides/checklist-for-course-and-assessment-participation.pdf> for use in determining student eligibility for participation in the FAA program.

**If the school district is over one percent in any area, please provide a description of how the school district is ensuring that IEP teams are adhering to the criteria (see above.)**

The district ESE staff uses the following documents; Checklist for Course and Assessment Participation, Eligibility Requirements for Florida Standards Alternate Assessment and Exclusionary Criteria for IEP Teams to make the most appropriate, individualized, and data-based decision for each student. The IEP team first determines if the student meets criteria for determining eligibility as a student with Significant Cognitive Disabilities and that there is documentation that supports the eligibility determination. If all required criteria are met and the IEP determines the student eligible the student will be placed in Access courses and participate in the FAA Performance Task or FAA Datafolio. Parental consent is obtained before the student is placed in Access courses and assessed through the FAA. The District Staffing Specialist, who are trained in working through this determination process, lead the IEP team meeting and discussion ensuring that all criteria are met before student placement in Access Courses and assessment using FAA.

**Provide a justification, with supporting evidence, that identifies specific programs or circumstances within the school district that may contribute to higher enrollment of students in access courses that exceeds one percent (e.g., center schools serving surrounding school districts).**

In reviewing specific programs or circumstances within the district, that may contribute to higher enrollment of students in access courses and exceeding of the 1%, the district has identified the following. Liberty County is a rural district with all three schools in the district classified as Title 1 schools. All three schools also have a high percentage of students who are economically disadvantaged with an (FRL) rate of: Liberty County High School 56%, Hosford Elementary and Jr. High 61% and W.R. Tolar K-8 71%. The district serves a high population of students who have very limited access to community services/supports to address the lack of health care coverage and regular access to medical providers. Our district also serves a population of students from neighboring counties which also lack the same services and supports as listed above. The district also has a DJJ facility located within the district that typically has a high population of SWD and are included in our district percentages. Another contributing factor is the small number of students assessed on the alternate assessment which impacts the percentages. For example there were only 250 total students tested in Science and 12 students whose science test was the alternate assessment impacting the percentage to be higher than the 1% threshold.

What is your school district's risk ratio for disproportionality in each content area for each subgroup?

**ELA American Indian or Alaskan Native**

0

**ELA Black, non-Hispanic**

3.3

**ELA Hispanic**

.54

**ELA Asian or Pacific Islander**

0

**ELA White, non-Hispanic**

.46

**ELA Economically Disadvantaged**

1.5

**ELA English Language Learner**

.82

**Math American Indian or Alaskan Native**

0

**Math Black, non-Hispanic**

3.3

**Math Hispanic**

.53

**Math Asian or Pacific Islander**

0

**Math White, non-Hispanic**

.41

**Math Economically Disadvantaged**

1.4

**Math English Language Learner**

.78

**Science American Indian or Alaskan Native**

0

**Science Black, non-Hispanic**

3.8

**Science Hispanic**

.75

**Science Asian or Pacific Islander**

0

**Science White, non-Hispanic**

.52

**Science Economically Disadvantaged**

1.9

**Science English Language Learner**

2.7

**Social Studies American Indian or Alaskan Native**

N/A

**Social Studies Black, non-Hispanic**

N/A

**Social Studies Hispanic**

N/A

**Social Studies Asian or Pacific Islander**

N/A

**Social Studies White, non-Hispanic**

N/A

**Social Studies Economically Disadvantaged**

N/A

**Social Studies English Language Learner**

N/A

**If an identified risk ratio is 3 or above in any area, describe the school district's plan to address this disproportionality. This could include examining practices, such as the training and technical assistance provided to personnel on culturally responsive practices; working within a multi-tiered system of supports (MTSS) to promote best practices in screening; progress monitoring; and initial eligibility determination. School districts may also refer to their efforts to decrease disproportionality in evaluation, identification and discipline if similar efforts are made in that area.**

The district identified a disproportionality of a risk ratio 3 or above for the Black subgroup in all three subject areas. An analyzes of the subgroups show that 18 of 31 students who took the FAA were White (58%); 7 of 31 were Black (23%) (2 of these 7 were from the DJJ facility); 4 of 31 were multiracial (13%); and 2 of 31 were Hispanic (6.5%). In addition, the number of students in the target group for ELA for White was 555; number of students in the target group for Black was 55 and number of students in the target group for Hispanic was 90. The target group for Math for White was 513; Black was 48; and Hispanic was 81. The lower number of students in the target group for the Black subgroup impacts the percentage. To address this disproportionality and to help ensure that initial eligibility determination is based on the most valid and reliable data the district will provide additional training and technical assistance regarding the multi-tiered system of supports (MTSS) to promote best practices in identifying targeted skills, appropriate interventions, progress monitoring, and data analysis. The district will keep in place the reviewing practice of IEPs to ensure that appropriate assessments and documentation are included to support correct placement in access courses and participation in the FAA. The district has a DJJ facility within the district that has a high proportionality of SWD that it serves (typically close to 100%). These students arrive to the facility with active IEPs. The staff will continue to review to ensure that appropriate assessments and documentation are included to support correct placement in access courses and participation in the FAA assessment.

## Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities

## District-Specific Procedures

These are the criteria required for participation in the statewide, standardized alternate assessment as per Rule 6A-1.0943(5), F.A.C.:

**Section A:** The decision that a student with a significant cognitive disability will participate in the statewide, standardized alternate assessment as defined in Rule 6A-1.0943(5)(a), F.A.C., must be made by the IEP team and recorded on the IEP.

If the definition of "most significant cognitive disability" is not met according to the criteria set in Rule 6A-1.0943(1)(f)1., F.A.C., then complete Section E of this document, which satisfies Rule 6A-1.0943(1)(f)2., F.A.C.

**Section B:** The provisions regarding parental consent for participation in the statewide, standardized alternate assessment found in Rule 6A-6.0331(10), F.A.C., must be followed.

**Section C:** In order for a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

1. The student must receive exceptional student education (ESE) services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two consecutive full-time equivalent reporting periods prior to the assessment;

Evidence of criteria will be provided through the student's current IEP and student schedule.

2. The student must be receiving specially designed instruction, which provides unique instruction and intervention support that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;

Evidence of criteria will be provided through MTSS or response-to-intervention (RtI) documentation.

3. The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;

Evidence of criteria will be provided through MTSS or RtI documentation.

4. Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with \_\_\_\_\_ (the required IEP and school district documentation of services provided—accommodation logs, accommodation logs compared to classroom performance).

5. Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with \_\_\_\_\_ (the required IEP and school district documentation of the provision of supplementary instructional materials—may be a summary from teacher, speech-language pathologist (SLP) or other service providers).

6. Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;

Evidence of criteria will be provided with \_\_\_\_\_ (the required IEP and school district documentation of the provision assistive technology services provided).

7. Even with direct instruction in all core academic areas (i.e., ELA, mathematics, social studies and science), the student is exhibiting limited or no progress on the general education curriculum standards, and requires modifications;

Evidence of criteria will be provided with \_\_\_\_\_ (the required IEP and school district documentation of the provision of supplementary instructional materials—may be a summary from teacher, SLP or other service providers).

8. Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70 percent of the school year prior to the assessment;

Evidence of criteria will be provided through the student's attendance report.

9. Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80 percent of the school year prior to the assessment; and

Evidence of criteria will be provided through the teacher's certificate and teacher's attendance record.

10. The assessment instrument used to measure the student's global level of cognitive functioning was selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities and distractibility).

Evidence of criteria will be provided through available evaluations, medical reports or screeners provided in the past.

11. The student has a most significant cognitive disability.

**Section D:** A student is not eligible to participate in the statewide, standardized alternate assessment if any of the following apply:

1. The student is identified as a student with a specific learning disability or as gifted;

Evidence of criteria will be provided through IEP and applicable evaluation results.

2. The student is identified only as a student eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment; or

Evidence of criteria will be provided through IEP and applicable data.

3. The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Section 1008.22(3)(e), F.S., unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complications subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

Evidence of criteria will be provided through statewide standard assessment results, if applicable.

**Section E:** In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, a school district will comply as follows:

More specifically, in the event when a student cannot be directly assessed, the student who has a suspected most significant cognitive disability for whom assessment via the FAA may be appropriate as defined in Rule 6A-1.0943(1)(f)1., F.A.C., will be identified through the following detailed procedure:

**List the factors the school district will use to determine that a direct assessment of cognitive functioning is not achievable.**

If determined that a direct assessment of cognitive functioning is unattainable the district will consider the following factors. The student lack of formal mode of communication and/or lack of student engagement. Observations and input from teacher, parent, and evaluator. Consideration of any medical diagnosis. Classroom data.

**Describe the assessment process the school district will use to determine if a student has a most significant cognitive disability in the absence of reliable direct assessment of cognitive functioning.**

The assessment process from the district if no reliable direct assessment of cognitive functioning can be used will be the use of a Global Developmental Scale completed by the parents, teachers, and evaluator observations. The team will consider all previous educational, medical, developmental history and adaptive behavior skills.

**Describe how the school district will train and monitor staff with compliance of the determination and assessment process.**

The district staff and evaluator will be trained on new district requirements, policies, and guidelines as outlined in Section A #1 and #2. Staffing Specialist will provide individual teacher technical support as well as school team supports. Principals will monitor for needed technical support and will request additional supports/guidance through the Staffing Specialist and evaluators.

## Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

### Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101

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

Rule 6A-6.03026, F.A.C.

### Definition

A prekindergarten child with a disability is a child who meets the following criteria.

### Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
  - a. Deaf or hard of hearing
  - b. Visually impaired
  - c. Orthopedically impaired, other health impairment, or traumatic brain injury
  - d. Intellectual disabilities
  - e. Established conditions
  - f. Developmentally delayed
  - g. Dual-sensory impaired
  - h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
  - a. Intellectual disabilities
  - b. Speech and language impaired
  - c. Deaf or hard of hearing
  - d. Visually impaired
  - e. Orthopedically impaired, other health impairment, or traumatic brain injury
  - f. Emotional or behavioral disabilities
  - g. Specific learning disabilities
  - h. Homebound or hospitalized
  - i. Dual-sensory impaired
  - j. Autism Spectrum Disorder
  - k. Developmentally delayed

### Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

## **Instructional Program**

Regarding a child who is eligible for admission to public kindergarten in accordance with s.1003.21, F.S., an eligible PreK child with a disability may receive instruction for one additional school year in a PreK classroom in accordance with the child's individual educational plan (IEP) or individualized family support plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention," thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

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

The school district's will have processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including school district procedures that ensure its participation in the transition conference and development of the IEP by age 3.

### **Describe the school district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities.**

The part C Early Intervention Program (Early Steps), Family Services Coordinator contacts the ESE Director/designee and initiates a referral approximately 90 days prior to the child's third birthday. The district makes an effort to meet early if the child's birthday occurs in the summer months. School staff are in attendance (when invited by the Part C contact person) at a transition planning meeting whereby collateral data are shared with the school district about the student. The student's records are carefully reviewed and any required actions, such as further evaluation are planned. When it is known that the student is transitioning to Part B, or when a referral is made by a parent or other agency, an evaluation shall be administered by a qualified evaluation specialist prior to the child's third birthday. When the student comes from a Part C agency (Early Steps), an evaluation shall be completed by agency staff. The data shall be used in consideration of eligibility and to develop IEP components for eligible students. Parents shall be notified of their right to involve the Part C representative in the initial IEP meeting, via the Meeting Participation form. In all cases, a staffing is held and if the student is eligible, an IEP is developed. The COS entry is completed at the initial IEP meeting. The district ensures that an IEP is developed prior to the child's third birthday.

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

### **1. Philosophy**

- a. The PreK program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths and needs.
- b. Services for young children with disabilities and their families include a range of educational, developmental and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
- c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

- d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

## 2. Curriculum

- a. Curriculum content, materials, and activities are consistent with the district's program philosophy.
  - i. For PreK children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards (FELDS) are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
  - ii. The FELDS are used to help create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials and equipment are selected.
  - iii. For children birth to the age of eligibility for the Voluntary Prekindergarten program, FELDS may be used to guide the selection of curriculum, materials and equipment.
- b. Modifications, adaptations and accommodations of curricula, materials and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

## 3. Instructional support

- a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.
- b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.
- c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction that is aligned with the FELDS instruction and related services may be offered in a continuum of placements and settings that may include regular, resource or special class settings in public, community-based or home-based settings.
- d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

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

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

## Section G: Individualized Family Support Plan (IFSP) for Students with Disabilities Birth Through 5 Years of Age

☒ This section is not applicable for the district.

### Students with Disabilities Ages Birth through 2 Years

#### Statutory and Regulatory Citations

34 C.F.R. § 303.340

Sections 1003.03, 1003.21 and 1003.57, F.S.

Rules 6A-6.03029 and 6A-6.0331, F.A.C.

#### Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, birth through 2 years of age, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children birth through 2 years of age.

#### Procedures

1. Contents of an IFSP, which must be written, includes

The IFSP must be written and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;
- b. With concurrence of the family, a statement of the family's resources, priorities and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable;
- e. A statement of the natural environments in which early intervention services and a justification of the extent, if any, to which the services will not be provided in a natural environment;
- f. A statement of the strategies needed in order to meet the child's and family's outcomes;
- g. The projected dates for initiation of services;
- h. The IFSP must:
  - i. Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, and
  - ii. Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided;
- i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;
- j. Family demographic and contact information;

- k. A statement of eligibility, including recommendations for children not found eligible;
- l. A description of everyday routines, activities, and places in which the child lives, learns and plays and individuals with whom the child interacts;
- m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and
- n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

## 2. Contents of IFSPs for children birth through 2 years of age

IFSPs developed for children with disabilities birth through 2 years of age must also include:

- a. The frequency, intensity and method of delivery of the early intervention services;
- b. The location and length of the early intervention services;
- c. Funding source or payment arrangements, if any;
- d. Anticipated duration of the services;
- e. Other services to the extent appropriate; and
- f. The steps to be taken to support the transition of the child, upon reaching age 3, to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available, if appropriate; the steps required for transition include:
  - i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
  - ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
  - iii. Notification information to the school district for the purpose of child find;
  - iv. With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
  - v. Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

## 3. Timelines and requirements for IFSPs

- a. Timelines for IFSPs developed for children birth through 2 years of age include:
  - i. A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral; and
  - ii. A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parents and other participants.
- b. The purpose of the periodic review is to determine:
  - i. The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made;
  - ii. Whether modifications or revision of the results or outcomes or services are necessary; and
  - iii. Whether additional needs have been identified based on ongoing assessment or observation.

- c. A face-to-face meeting is conducted on at least an annual basis to re-determine eligibility and review the IFSP and, to revise, change or modify its provisions. The results of any current evaluations, and other information available from ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.
  - d. IFSP meetings are held in accordance with the following:
    - i. Conducted in settings and at times that are convenient to families; and
    - ii. Conducted in the native language of the family or other mode of communication used by the family unless it is clearly not feasible to do so.
  - e. Meeting arrangements are made, and written notice is provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.
  - f. The contents of the IFSP are fully explained to the parents and informed written consent from the parents is obtained prior to the provisions of early intervention services described in the plan. If the parents do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.
4. Participants in IFSP meetings (birth through 2 years of age) Participants in the development of IFSPs (both initial and annual) for children with disabilities birth through 2 years of age must include:
- a. The parent or parents of the child;
  - b. Other family members as requested by the parents, if feasible to do so;
  - c. An advocate or individual outside of the family, if the parents request that the individual participate;
  - d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;
  - e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment; and
  - f. The individual who will be providing early intervention services to the child or family, as appropriate.
5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:
- a. Participating in a telephone or video conference call;
  - b. Having a knowledgeable authorized representative attend the meeting; or
  - c. Making pertinent records available at the meeting.
6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.
7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities birth through 2 years of age and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

- a. Parental consent is obtained;
- b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family;
- c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children birth through 2 years of age, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

## **Students with Disabilities Ages 3 through 5 Years**

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 300.323 and 303.340

Sections 1003.21, 1003.03 and 1003.57, F.S.

Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

### **Definition**

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities birth through 2 years of age or special education and related services to children with disabilities ages 3 through 5 years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

### **Procedures**

#### **1. Contents of an IFSP**

The IFSP is in writing and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;
- e. The projected dates for initiation of services;
- f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;
- g. Family demographic and contact information;
- h. A statement of eligibility, including recommendations for children not found eligible;
- i. A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;
- j. Identification of the most appropriate IFSP team member to serve as the primary service provider;

- k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP;
- l. The frequency, intensity, and method of delivery of the early intervention services;
- m. The location and length of the services;
- n. The payment arrangements, if any;
- o. Anticipated duration of the services;
- p. Other services to the extent appropriate; and
- q. The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available. The steps required for transition shall include:
  - i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
  - ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
  - iii. With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
  - iv. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages 3 through 5 are in accordance with the requirements in Rule 6A-6.03028(3)(e), F.A.C.

- a. By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
- b. For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for infants and toddlers with disabilities early intervention program.
- c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings (ages 3 through 5 years) include:

- a. The parent or parents of the child;
- b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;
- c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.
- d. A representative of the local school district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local school district;
- e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b. through d. above;
- f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by

the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

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

a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

i. Ensure that the student has all of the rights of a student with a disability who is served by a school district.

ii. Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and

iii. Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

d. Subparagraphs 4.a.-c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the student.

6. For children ages 3 through 5 years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

## Part III. Policies and Procedures for Students Who are Gifted

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

☐ This section is not applicable for the Department of Corrections.

#### Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.03019 and 6A-6.030191, F.A.C.

#### Definition

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

#### Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
  - a. The need for a special program
  - b. A majority of characteristics of gifted students according to a standard scale or checklist, and
  - c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence; or
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C., as students with limited English proficiency or students from low socio-economic status families.

#### Additional Information:

- ☐ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.
- ☒ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

#### Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
  - a. Need for a special instructional program,
  - b. Characteristics of the gifted,
  - c. Intellectual development and
  - d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted.
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

#### Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

## Unique Philosophical, Curricular, or Instructional Considerations

### 1. Philosophy

- a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
- b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
- c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.

### 2. Curriculum

- a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
- b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
- c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
- d. The curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
- e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

### 3. Instructional support

- a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
- b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
- c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
- d. Students who are gifted may indicate a need for special counseling in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

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

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

## Section B: Educational Plans (EPs) for Students who are Gifted

☒ This section is not applicable for the Department of Corrections.

### Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.

Rule 6A-6.030191, F.A.C.

### Procedures

1. The school district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

a. The EP includes:

- i. A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and school district assessments, and evaluation results;
- ii. A statement of goals, including benchmarks or short-term objectives;
- iii. A statement of the specially designed instruction to be provided to the student;
- iv. A statement of how the student's progress toward the goals will be measured and reported to the parents; and
- v. The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services.

b. The EP team considers the following during development, review, and revision of the EP:

- i. The strengths of the student and the needs resulting from the student's giftedness;
- ii. The results of recent evaluations, including class work and state or school district assessments; and
- iii. In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.

c. Timelines for development of the EP include the following:

- i. An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
- ii. An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
- iii. Meetings are held to develop and revise the EP at least once every three years for students in kindergarten through grade 8 and at least every four years for students in grades 9 through 12.
- iv. EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

d. EP participants include:

- i. The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general education curriculum, and participating in the determination of what services the school district will provide to the child and in what setting;
- ii. At least one teacher of the gifted program;

- iii. One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for the review and revision of subsequent EPs;
- iv. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the school district, one of the student's teachers may be designated to serve as the school district representative;
- v. An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above;
- vi. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting); and
- vii. Whenever appropriate, the student.

## 2. Parent participation in EP meetings

The school district takes the following steps to ensure that one or both parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

- a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.
- b. Scheduling the meeting at a mutually agreed on time and place:
  - i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the school district uses other methods to ensure parent participation, including individual or conference telephone calls or virtual platforms.
  - ii. A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the school district maintains a record of its attempts to arrange a mutually agreed on time and place. These detailed records include such items as:
    - 1. Telephone calls made or attempted and the results of those calls,
    - 2. Emails or text communications sent to the parents and any responses received,
    - 3. Copies of correspondence sent to the parents and any responses received, and
    - 4. Visits made to the parent's home or place of employment and the results of those visits.
  - iii. The school district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

## 3. Implementation of the EP

- a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
- b. The EP is accessible to each of the student's teachers who are responsible for the implementation of the EP, and each teacher of the student is informed of his or her specific responsibilities related to the implementation of the EP.

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

### Section A: Provision of Equitable Services to Parentally Placed Private School Students with Disabilities

#### Statutory and Regulatory Citations

34 C.F.R. §§ 300.130 through 300.144

Rules 6A-6.03011 through 6A-6.0361, F.A.C.

Rule 6A-6.030281, F.A.C.

#### Definition

Parentally placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, non-profit schools or facilities, which meet the definition of elementary school or secondary school under Rules 6A-6.03011 through 6A-6.0361, F.A.C. It does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in for-profit private schools.

#### Procedures

##### 1. Policies and procedures for parentally placed private school students with disabilities

The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

##### 2. Child find for parentally placed private school students with disabilities

The school district will locate, identify and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally placed private school students and an accurate count of those students.

###### a. Activities

In implementing the requirements of this section, the school district will undertake activities similar to those undertaken for the school district's public school students.

###### b. Cost

The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its child find obligation.

###### c. Completion period

The child find process will be completed in a time comparable to that for other students attending public schools in the school district.

###### d. Out-of-state students

The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally placed private school students who reside in a state other than Florida.

##### 3. Confidentiality of personally identifiable information

If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

#### 4. Provision of services for parentally placed private school students with disabilities – basic requirement

To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of the Individuals with Disabilities Education Act (IDEA) by providing them with special education and related services, including direct services determined in accordance with 12 and 13 below, unless the U.S. Secretary of Education has arranged for services to those students under the bypass provisions in 34 C.F.R. §§ 300.190 through 300.198.

##### a. Services plan for parentally placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

The school district has the option to include model forms regarding the transfer of parental rights at the age of majority.

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

#### 4. Provision of services for parentally placed private school students with disabilities – basic requirement (continued)

##### b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally placed private school students covered:

- The number of students evaluated,
- The number of students determined to be students with disabilities and
- The number of students served

#### 5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally placed private school students with disabilities:

- a. For children and students aged 3 through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 21.
- b. For children aged 3 through 5 years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 5.
- c. Children aged 3 through 5 years are considered to be parentally placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.
- d. If the school district has not expended for equitable services all of the funds described in a. and b. above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally placed private school students with disabilities during a carry-over period of one additional year.

#### 6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally placed private school students with disabilities,

the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally placed students with disabilities attending private schools located in the school district. (See Appendix B to Part 300 of IDEA regulations for an example of how proportionate share is calculated.)

#### 7. Annual count of the number of parentally placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally placed private school students with disabilities, determine the number of parentally placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally placed private school students with disabilities in the next fiscal year.

#### 8. Supplement, not supplant

State and local funds may supplement, but in no case supplant, the proportionate amount of federal funds required to be expended for parentally placed private school students with disabilities.

#### 9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

- a. The child find process, including how parentally placed private school students suspected of having a disability can participate equitably and how parents, teachers and private school officials will be informed of the process.
- b. The determination of the proportionate share of federal funds available to serve parentally placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated.
- c. The consultation process among the school district, private school officials, and representatives of parents of parentally placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally placed students with disabilities identified through the child find process can meaningfully participate in special education and related services.
- d. Provision of special education and related services; how, where and by whom special education and related services will be provided for parentally placed private school students with disabilities, including a discussion of:
  - i. The types of services, including direct services and alternate service delivery mechanisms.
  - ii. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school students, and
  - iii. How and when those decisions will be made.
- e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

#### 10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

**Describe the school district's procedure for ensuring meaningful consultation and obtaining written affirmation with representatives of participating private schools to include the following:**

- **How the school district selects, identifies and records participating private schools for this consultation,**
- **How frequently and in what format consultation occurs, and**
- **Specify personnel (by role or title) identified as the school district lead for this process.**

The district identifies private schools located within our district utilizing the Private School Directory located on FDOE School Choice Website. The District Director of ESE and the Director of Curriculum and Instruction work together to draft and invitation to private school leadership for the initial yearly collaboration meeting. The private school leadership ensures the required participants representing their school and students are invited. This invitation is sent out via email with date options and meeting format options. The Private School returns their response to the request to collaborate indicating the dates, time, and meeting format that they prefer from the options offered or provide alternate meeting dates, times, etc.. The invitation is also sent to any district personnel who oversee funding that requires proportionate share with local private schools. Consultation occurs at least annually and more frequently if requested by the district or the private school. The district ensures open and meaningful communication between stake holders by being responsive to all modes of communication. This meaningful consultation encourages open communication and collaboration between all private school representatives and representatives of parents before the LEA makes the final determination of equitable services. This provides all stakeholders with a genuine opportunity to share their points of view, ensuring those views are considered before any final decisions are made. We primarily utilize email as our two way communication but we also utilize phone calls, face to face meetings, zoom mtg request, etc. When meaningful consultation has occurred, the school district will complete the Written Affirmation document to include the decisions made during the collaborative meeting and will have it signed by the representatives of the participating private school. A copy of the signed Written Affirmation is provided to the private school.

#### 11. Compliance

A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to the FDOE the basis of the noncompliance by the school district with the applicable private school provisions. The school district will then forward the appropriate documentation to the FDOE. If the private school official is dissatisfied with the decision of the FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance. The FDOE will then forward the appropriate documentation to the U.S. Secretary of Education.

#### 12. Equitable services determined

- a. No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.
- b. Decisions about the services that will be provided to parentally placed private school students with disabilities will be made in accordance with the information in this section.
- c. The school district will make the final decisions with respect to the services to be provided to eligible parentally placed private school students with disabilities.

#### 13. Services plan for each student served

- a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.
- b. Each parentally placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will

provide to the student, per the school district's determination of services it will make available to parentally placed private school students with disabilities.

- c. The services plan will be developed, reviewed and revised consistent with the requirements for IEP development, review and revision.

#### 14. Equitable services provided

- a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization or other entity.
- b. The services provided to parentally placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally placed private school students with disabilities are not required to meet the highly qualified special education teacher requirements under Florida law.
- c. Parentally placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.
- d. Special education and related services provided to parentally placed private school students with disabilities, including materials and equipment, must be secular, neutral and non-ideological.

#### 15. Location of services and transportation

- a. Equitable services to parentally placed private school students with disabilities may be, but are not required to be, provided on the premises of private schools.
- b. If necessary for the student to benefit from or participate in the services, a parentally placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.
- c. The school district is not required to provide transportation from the student's home to the private school.
- d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

#### 16. Due process hearings and procedural safeguards

- a. Except as provided herein, the procedures related to procedural safeguards, mediation and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures are applicable to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.
- b. Any request for a due process hearing regarding the child find requirements must be filed with the school district in which the private school is located, with a copy forwarded to the FDOE.

#### 17. State complaints

- a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives or personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in Rule 6A-6.03311, F.A.C.
- b. A complaint filed by a private school official under this section will be filed with the FDOE in accordance with its state complaint procedures, as prescribed in Rule 6A-6.03311, F.A.C.

#### 18. Requirement that funds not benefit a private school

- a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

- b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

- a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally placed private school students with disabilities, if those services are not normally provided by the private school.
- b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services, if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

The school district will not use funds available under IDEA for classes that are organized separately based on school enrollment or religion of the students, if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

- a. The school district will control and administer the funds used to provide special education and related services, and hold title to and administer materials, equipment and property purchased with those funds, for the uses and purposes provided in this section.
- b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.
- c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.
- d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes, or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.
- e. No IDEA funds will be used for repairs, minor remodeling, or construction of private school facilities.

## Section B: Family Empowerment Scholarship for Students with Unique Abilities

### Statutory and Regulatory Citations

Chapter 1002, Part III, F.S.

Sections 393.063, 393.069, 456.001, 1002.01, 1002.394, 1002.395, 1002.66 and 1005.02, F.S.

Rule 6A-6.0952, F.A.C.

### Definition

Effective July 1, 2022, the McKay Scholarship Program was repealed and joined the Family Empowerment Scholarship Program under the Unique Abilities (FES UA) category, which provides children of families with limited financial resources with education options to achieve success in their education.

The following are defined as they relate to the FES UA:

1. "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
2. "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
3. "Department" means the Florida Department of Education.
4. "Disability" means, a 3- or 4-year-old child or for a student in kindergarten to grade 12, and any of the following:
  - a. Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.063, F.S.;
  - b. Cerebral palsy, as defined in s. 393.063, F.S.;
  - c. Down syndrome, as defined in s. 393.063, F.S.;
  - d. Intellectual disability, as defined in s. 393.063, F.S.;
  - e. Speech impairment;
  - f. Language impairment;
  - g. Orthopedic impairment;
  - h. Other health impairment;
  - i. Emotional or behavioral disability
  - j. Specific learning disability, including, but not limited to, dyslexia, dyscalculia or developmental aphasia;
  - k. Phelan-McDermid syndrome, as defined in s. 393.063, F.S.;
  - l. Prader-Willi syndrome, as defined in s. 393.063, F.S.;
  - m. Spina bifida, as defined in s. 393.063, F.S.;
  - n. For a high-risk child, meaning a child aged 3 to 5 years of age with a developmental delay in cognition, language or physical development, as defined in s. 393.063(23)(a), F.S.;
  - o. Muscular dystrophy;
  - p. Williams syndrome;
  - q. Rare diseases (which affect patient populations of fewer than 200,000 individuals in the United States) as defined by the National Organization for Rare Disorders;

- r. Anaphylaxis;
  - s. Hearing impairment (including deafness);
  - t. Visual impairment (including blindness);
  - u. Traumatic brain injury;
  - v. Hospital or homebound; or
  - w. Dual sensory impairment, as defined by Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
5. "Eligible nonprofit scholarship-funding organization" as defined in s. 1002.395, F.S.;
6. "Eligible postsecondary institution" means any of the following:
- a. Florida College System institution;
  - b. State university;
  - c. School district technical center;
  - d. School district adult general education center; or
  - e. An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
7. "Eligible private school" means a private school, pursuant to s. 1002.01, F.S., that is located in Florida and offers an education to students in any grade from kindergarten to grade 12.
8. "IEP" means an individual educational plan.
9. "Inactive" means that no eligible expenditures have been made from an account funded by the Family Empowerment Scholarship.
10. "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, F.S.
11. "Program" means the Family Empowerment Scholarship Program.

### **Eligibility Criteria for the FES UA**

A parent of a student with a disability may apply for and receive from the State a scholarship for the purpose specified in paragraph (4)(b), if the student:

- 1. Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida;
- 2. Is 3 or 4 years of age during the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in the state;
- 3. Has a disability as defined in subsection (2); and
- 4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under Chapter 458 or 459, a psychologist who is licensed under Chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

### **Scholarship Prohibitions**

A student is not eligible for a Family Empowerment Scholarship while:

1. Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholarships Academy, a developmental research school, authorized under s.1002.32, F.S., or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;
2. Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;
3. Receiving any other educational scholarship in pursuant to this chapter. However, an eligible public school student receiving a scholarship under s.1002.411, F.S. may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;
4. Not having regular and direct contact with his or her private school teachers, pursuant to s. 1002.421(1)(i), F.S., unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s.1002.14, F.S.;
5. Participating in a private tutoring program in accordance with s. 1002.43, F.S.; or
6. Participating in a virtual school, correspondence school or distance learning program that receives state funding pursuant to the student's participation.

### **School District's Obligations and Parental Options**

School district's obligations and parental options include the following:

1. The school district shall notify a parent who has made a request for an IEP that the school district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
2. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education Rule 6A-6.03028(3)(f)2., F.A.C.;
3. The school district shall provide for state assessments to students, upon parental request;
4. Pursuant to s.1002.394(7)(c)1, F.S., within 10 days after an IEP meeting is held, a school district shall notify the parent of a student of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school in the school district;
5. The parent is not required to accept the offer of enrolling the student in another public school in lieu of requesting a scholarship. However, if the parent chooses the public school option, the student may continue attending the public school chosen by the parent until the student graduates from high school;
6. The parent may choose another public school in the school district, and the school district shall provide transportation to the public school selected by the parent; and
7. The parent may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district that has available space and has a program with the services agreed to in the student's IEP already in place, and that school district shall accept the student and report the student for purposes of the school district's funding pursuant to the Florida Education Finance Program.

☒ I have read and understand the above information.

**\*Note:** Due to proposed changes to HB 1403, s. 1002.394(3)(b), F.S. and s. 1002.394(6), F.S., these statutes will be effective July 1, 2024.

## Part V. Appendices

### Appendix A: General Policies and Procedures

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

One of the following must be selected:

- ☒ The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ☐ A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

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

One of the following must be selected:

- ☒ The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ☐ A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ☐ This requirement is not applicable for the Department of Corrections.
- ☐ This requirement is not applicable for the Florida Department of Corrections.

#### 3. Transfer of Parental Rights at Age of Majority

#### 4. Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

## Appendix B: Unique Philosophical, Curricular or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

### II.B.1 Autism Spectrum Disorder

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

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

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

### II.B.3 Developmentally Delayed

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

### II.B.4 Dual Sensory Impaired

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

### II.B.5 Emotional or Behavioral Disabilities

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

### II.B.6 Established Conditions

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

### II.B.7 Homebound or Hospitalized

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

### II.B.8 Intellectual Disabilities

- ☐ Evaluations

☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.9 Orthopedic Impairment**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.10 Other Health Impairment**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.11 Traumatic Brain Injury**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.12 Specific Learning Disabilities**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.13 Speech Impairments**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.14 Language Impairments**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.15 Visually Impaired**☐ Evaluations☐ Qualified Evaluators☐ Unique Philosophical, Curricular or Instructional Considerations**II.B.16 Related Services – Occupational Therapy**☐ Evaluations☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

**II.B.17 Related Services – Physical Therapy**

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

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

**II.F. Prekindergarten Children with Disabilities**

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

**III.A. Gifted**

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

**Other**

## **Appendix C: School District Plan to Increase the Participation of Underrepresented Students in the Program for Students Who Are Gifted**

☒ This section is not applicable for the district.

### **Current Status**

Provide the following data:

**Total Student Population**

**Total Number of Students**

**Total Number of Gifted Students**

**Percent of All Gifted Students**

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

**Number of LEP Students**

**Number of LEP Gifted Students**

**Percent of LEP Gifted Students**

**Percentage of LEP Gifted Compared to Total Number of Gifted Students**

\*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students", divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Low Socio-Economic Status (SES) Family**

**Number of Low SES Students**

**Number of Low SES Gifted Students**

**Percent of Low SES Gifted Students**

**Percentage of Low SES Gifted Compared to Total Number of Gifted Students**

\*In order to calculate the "Percentage of Low SES Gifted Compared to Total Number of Gifted Students", divide the number of Low SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

\*\* Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category

### **School District Goal**

Provide the school district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted categories.

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

- 1. Screening and Referral Procedures**
- 2. Student Evaluation Procedures**
- 3. Eligibility Criteria**
- 4. Instructional Program Modifications or Adaptations**
- 5. School District Evaluation Plan**

## Appendix D: School District Policies Regarding the Allowable Use or Prohibition of Restraint

Select from the following:

- ☒ This Exceptional Student Education P&P serves as the school district's policy regarding the allowable use or prohibition of restraint of students with disabilities.

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

- ☒ This section is not applicable for the district.

Section 1002.32, F.S., establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

## Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

Section 1003.57(1)(f), F.S., establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a BPIE assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the school district and school team levels."