FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

St. Lucie

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2020-2021 through 2022-2023

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

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

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

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

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

Section A.2: Legal Requirement Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

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

District Monitoring Standards

Districts shall:

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

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the

restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s.1003.573, F.S. the district maintains policies and procedures related to the use of restraint and seclusion.

- (●) The district has made no changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- (●) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- ( ) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- (●) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- ( ) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

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

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

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.

2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.

3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.

4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.

5. The following will be included in the incident report:

    a. The name of the student restrained or secluded

    b. The age, grade, ethnicity, and disability of the student restrained or secluded

    c. The date and time of the event, and the duration of the restraint or seclusion

    d. The location at which the restraint or seclusion occurred

    e. A description of the type of restraint used in terms established by the FDOE

    f. The name of the person(s) using or assisting in the restraint or seclusion of the student

    g. The name of any nonstudent who was present to witness the restraint or seclusion

    h. A description of the incident, including the following:

        i. The context in which the restraint or seclusion occurred

        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others

        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior

        iv. What occurred with the student immediately after the termination of the restraint or seclusion

        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies

vi. Evidence of steps taken to notify the student's parent or guardian

6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

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

District Procedures

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

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

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

Parents are provided written notice on the day the restraint occurred. The parent will first be contacted by telephone that a written notice will be sent home that day. The written notice will be sent home via the student on the day of the incident. The parent will be asked to return a copy of the signed acknowledgement of the notice via the student on the next school day. If the parent comes to school after the phone contact on the date of the incident, the notification will be delivered to the parent at that time and a signed acknowledgement of receipt of the written notice obtained.

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

The ESE Specialist - School Based or designee, should they be absent, at each school site will be responsible for preparing the written notice to be given to the parent the date of the incident.

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

The ESE Specialist - School Based will maintain current parent contact information regarding home, cell or work numbers. Reasonable efforts will be made by the ESE Specialist - School Based or designee via telephone to contact the parent(s) on the day of the incident and a phone log of these efforts will be maintained by the ESE Specialist - School Based at each school. In addition to the parent, notification on the day of the incident will be provided to the principal of the school.

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

The records of the parent acknowledgement of receipt of both written notice and the written incident report will be maintained on file with the official notice in the ESE Specialist's office. In the event the parent does not provide written acknowledgement of receipt of the written notice and/or of the written incident report, a phone call will be made by the ESE Specialist - School Based and recorded on a phone log as a method of follow-up and a second attempt to obtain the signature of the parent(s). If contact is made with the first follow-up call, the ESE specialist will arrange to provide the parent with a second copy of the printed notice for signature. If the signed acknowledgement is not received within 5 days of the first follow-up phone call, another follow-up call will be made in the effort to obtain signed acknowledgment of the written notice, which would be the third attempt to obtain the parental acknowledgment.

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

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

A written statement of the event will be prepared by the person initiating the restraint in collaboration with those adults involved with the restraint. The ESE Specialist - School Based will ensure that the report is entered into the online DOE web based reporting system.

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

The parent will be provided a copy of the incident report within three school days via the US Postal system unless arrangements have been made for all correspondence to occur by e-mail with the parent(s). The parent(s) may have a copy hand delivered to them if they are on campus for a conference or to pick up their child. If copies are e-mailed or hand delivered, a receipt will be required.

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

The ESE Specialist/School-Based,will maintain a copy of the incident report at the school. Acknowledgements of receipt of the incident report will be attached to the original incident report and kept in the ESE Specialist's office at the school site. When the parent does not provide acknowledgement, the phone log will serve as documentation of the 2 additional attempts that have been made to inform, as well as to obtain the signature of the parent. If contact is made with the first follow-up call, the ESE specialist will arrange to provide the parent with a second copy of the printed notice for signature. If the signed acknowledgement is not received within 5 days of the first follow-up phone call, a second follow-up call will be made in the effort to obtain signed acknowledgment of the written notice. Other strategies to obtain written parent acknowledgement could include home visits by administration or school social workers if the principal deems these are warranted.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in charter schools, DJJ facilities, and contracted residential facilities?

St Lucie Public Schools monitors the implementation of restraint practices for charter schools, contracted residential facilities, and DJJ facilities by the same means as other public schools. Representatives from DJJ facilities and charter schools attend the same training provided for restraint reporting as all other public schools. DJJ facilities and charter schools follow the same procedures and are included in the same monitoring process from district level staff. The DOE restraint protocols are utilized by ESE district level staff when monitoring restraints at all schools in the district including DJJ facilities (when applicable), contracted residential facilities, and charter schools. The ESE director monitors all electronic submissions on a monthly basis and provides feedback to each entity. An ESE program specialist monitors the restraint documentation on a quarterly basis.

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

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

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

The district is responsible for maintaining the codes for the data management in our student information system which reflect restraint. Each school site will identify and train multiple targeted users to input information. The ESE Specialist - School Based and/or other targeted users at the school site will input information into the Student Information System based upon the type of restraint. The person responsible for collecting and reporting the data will be the ESE Specialist - School Based and/or other targeted users at the school level who will report the information to the principal. The Director of Exceptional Student Education/Student Services will be provided a monthly report from the DOE reporting website and the student information system.

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

The Director of Exceptional Student Education/Student Services is responsible for ensuring that schools are inputting data correctly and accurately in the web-based system, as well as the student information system and will review the system on a monthly basis. Data collection and reporting incidents of restraint will be completed as incidents occur and will meet the regulatory guidelines for reporting. The frequency for data collection and reporting within the district and to the department of ESE will be monthly.

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

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

The school principal/designee will be notified by the ESE Specialist - School Based when an incident of restraint occurs. The ESE Specialist - School Based will ensure that a written draft of the incident is prepared and will review the content of the draft report for accuracy and compliance. The ESE Specialist, School Based will ensure that the data is input into the DOE web based reporting system. The incident report will be available for district review immediately after input into the web based reporting system. The Director of Exceptional Student Education/Student Services will review data as soon as possible, but no less than one time per month. The Director of ESE will determine from the number, the frequency and the location of the incidents whether or not intervention from the district is needed. The ESE Specialist - School Based will keep a copy of all incident reports in a folder and this folder will be reviewed by the Behavior Analyst/Behavior Specialist assigned by the ESE Department to the school on a monthly basis. The analyst/specialist will confer with the principal and the ESE Specialist - School Based monthly and will review all incidents to determine if actions need to be taken to provide additional training in behavior management, classroom management, or crisis intervention. Parent(s) will be provided a copy of the incident report within three school days via the US Postal system unless arrangements have been made for all correspondence to occur by e-mail with the parent(s). The parent(s) may have a copy hand delivered to them if they are on campus for a conference or to pick up their child. If copies are e-mailed or hand delivered, a receipt will be required. Acknowledgements of receipt of the incident report will be attached to the original incident report and kept in a notebook or file in the ESE Specialist's office at the school site. When the parent does not provide acknowledgement, a phone log will serve as documentation of the attempts that have been made to inform, as well as to obtain the signature of the parent. Other strategies could include home visits by administration or school social workers if the principal deems these are warranted. The ESE Specialist - School Based will review the data in the documentation file to ensure that the data supports the provision of all written documentation required relative to the incidents of restraint as well as obtaining acknowledgements of the written notice and incident report. Documentation will be maintained through both the student information system and the web based reporting system. Reports will be run at district level from our student information system and will be compared to the web based reporting data to determine if the data from both systems are aligning and being maintained. The Director of Exceptional Student Education/Student Services will be responsible for this monitoring at district level. Charter schools and DJJ facilities follow the same procedures as other schools in the district. For students placed at a residential facility, staff at the residential facility contacts the parent, provides copy of the restraint, and obtains written confirmation or maintains records of attempts to obtain written confirmation from the parent. School district personnel enters the restraint data in the DOE database.

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

- Classroom level: All personnel who employ crisis management techniques at the classroom level have been certified as trained users. The district provides professional development throughout the year in non-violent Crisis Prevention Intervention (CPI) and Positive Crisis Intervention (PCM) for initial certification and recertification as prescribed by the protocols of each of these systems. St. Lucie County School District employs trainers who are certified in CPI, PCM or both. All practices are monitored by the Behavior Analyst/Behavior Specialist assigned by the district to each school site, as well as classroom visits by the district's certified trainers. Post restraint reviews are conducted with each occurrence. -School level: All administrators receive training informing him/her of crisis management policy and the appropriate application of the strategies/techniques taught. Administrators are also provided the opportunity to become trained practitioners of CPI or PCM as appropriate to their school site. -District level: Select district ESE Program Specialists and Behavior Analysts/Behavior Specialists will be trained in crisis management techniques and pro-social curricula as well as other interventions designed to reduce crisis events. They will be assigned to provide targeted intervention to schools demonstrating need for professional development in behavior management, classroom management or crisis intervention based upon district data review or as requested by the school based administrator. The same monitoring procedures are followed for charter schools and DJJ facilities in the district. The district does review each restraint completed at the residential facility.

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

Individual school data is shared with school administrators' on a monthly basis. ESE specialists school-based inform the school's behavior analyst/specialist that a restraint has occurred so that personnel working with the student can, in conjunction with the analyst/specialist, revise/implement relevant strategies for those students who are frequently being restrained.

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

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

The district provides professional development throughout the year in Crisis Prevention Institute-Nonviolent Crisis Intervention(CPI-NCI) and Professional Crisis Management (PCM) for initial certification and re-certification as prescribed by the protocols of each of these systems. The determination of which system is selected is based upon the identified needs of the school considering a continuum of least to most restrictive techniques which may be necessary for school based crisis teams and/or classroom instructional personnel to employ. There is consistency among a school based staff and/or classroom staff as to the specific training provided.

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

St. Lucie County School District will identify those personnel to be trained which may include, but not limited to, ESE teachers, paraprofessionals, behavior technicians and administrators. The district employs trainers who are certified in CPI-NCI, PCM or both. All practices are monitored by the behavior analyst/behavior specialist assigned by the district to each school site, as well as classroom visits by the district's certified trainers. Training is required at least annually for appropriate staff assigned to students with disabilities or who may be subject to a behavior intervention plan. Charter schools and DJJ facilities are invited to participate in the district training.

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

Sign in sheets and training evaluations are generated at each training provided and are maintained at the district level. The records maintained include the name and position of the person trained; the date of the most recent training; an indication of whether it was an initial or refresher training; and whether the individual successfully completed the training and achieved proficiency. Records are maintained for all participants including staff from the charter schools and DJJ facilities.

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

Both CPI and PCM require annual recertification. These trainings are conducted by certified trainers. Those employees who hold certification in either program are provided "refresher training" within the annual date of their certification.

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

Each school site has an identified FAST team (team of personnel trained in crisis prevention) to respond to emergency or crisis behavioral situations at the school. Those employees working in classes with students with disabilities whose behavior profiles indicate a high likelihood for the need for restraint or seclusion are trained. School administrators who supervise the instructional personnel of these students are offered training. All behavior technicians are required to participate in trainings to maintain certification.

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

All charter schools utilze the same crisis management procedures and programs.

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

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

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2018-19 and 2019-20 school years, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2019-20 and 2020-21 school years for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by 10% during the 2020-21 school years.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

    a. Additional training in positive behavioral support and crisis management

    b. Parental involvement

    c. Data review

    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)

    e. Additional student evaluations

    f. Debriefing with staff

    g. Use of schoolwide positive behavior support

    h. Changes to the school environment

Total number of incidents of restraints for the 2017-18 school year.

207

Total number of incidents of restraints for the 2018-19 and 2019-20 school years.

152 and 120

Indicate the percentage of increase or decrease in the 2018-19 and 2019-20 rates.

Rate of decrease is 32.14% and 21.05%

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

The district continued with the established Task Force to review data of restraints in cooperation with USF and Lead District PBIS coordinator. This team met quarterly to review and disaggregate the data. The team continued for the 2019-20 school year. At the end of the year, the Alternative School, generated over 40% of the restraints down from 60% in 18-19 school year.

Note whether or not the district attained the 2018-19 goal for rate reduction of restraint and the difference between 2018-19 percentage goal and the actual 2018-19 percentage rate.

The district attained the goal for the rate reduction of restraint and exceeded the goal by 22% and 11%.

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

0 students PBIS Training, CPI Training (Updated Version), review of restraint data with 4 schools and PBIS/USF contact.

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

○ Yes
◉ No

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

Restraint is only used when the situation with the student meets the following criteria: Continuous aggression of self-injurious behavior or continuous high magnitude disruption that is potentially dangerous to the student. Prone restraint is only used when less restrictive procedures are not effective. The criteria are: Imminent breakdown or breakdown of transportation procedures, availability of a safety mat, all participants implementing the procedures are certified level 2 practitioners or certified instructors of PCM Professional Crisis Management. The only school sites who use prone restraints are two alternative sites: Dale Cassens Educational Complex (6-12) and PRIDE Academy (K-5).

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

The plan is to increase the use of Positive Behavioral Intervention Support (PBIS) while improving staff skills in the ability to deescalate potential crisis behavior using verbal intervention as trained through the updated version of CPI. The district is also focusing on strengthening effective instruction to keep students engaged. The district will monitor each occurrence of prone restraint and determine if the Behavior Intervention Plan (BIP) is effective and if alternatives to prone restraint could be implemented in the future.

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

◉ Yes
○ No

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

N/A

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

N/A

Describe the data reviewed from the 2018-19 and 2019-20 school years (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

2018-19 restraints 2019-20 restraints Black-30/152=20% Black-25/120=20.8% Two or more-4/152=2.6% Two or more-1/120=.8% White-30/152=20% White-24/120=20% ASD-29.6% ASD-20% EBD-37.5% EBD-38% InD-9.3% InD-12% SLD-6.2% SLD-8% Other-15.6% Other-22% Immobilization while in transport-1.9% Immobilization while in transport-1.6% Mechanical-1 incident reported as such in error Mechanical-0 Prone-26.9% Prone-40.8% Seated-19.7% Seated-21.6% Standing-48% Standing-32.5%

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

After reviewing the data and identifying a decrease in the percentage of restraints, we recognize the necessity to continue frequent monitoring at the Alternative School Sites, continue with the quarterly meetings with USF and lead coordinator for PBIS. We will also continue the use of the district created post-restraint protocol.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2019-20 and 2020-21 school years.

Although there was a decrease in our overall percentage, we feel that 10% continues to be the most attainable due to the intensity of the students placed at the alternative school sites.

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

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

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

Professional Development, Review of BIPS , Monitor Data, Initiate re-evaluations for updating FBAs for BIPS no longer meeting the behaviors of students, Partner with USF, Post-Restraint meetings and IEP reviews. The program specialist for the two alternative school sites will monitor weekly data as we have seen an increase in Prone restraints. Staff will be retrained in verbal de-escalation and work as a team to problem solve such as identifying possible triggers in order to avoid a restraint of any type.

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

USF, Behavior Analysts, School Psychologists, CHAMPs, PCM and CPI, Program Specialists, SEDNET Specialist, and the creation of our new Social/Emotional Learning Department.

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

Does the district prohibit the use of seclusion?

- (●) Yes
- ( ) No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2018-19 school year, the district will have a plan for reducing of the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2019-20 and 2020-21 school years for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

    a. Additional training in positive behavioral support and crisis management

    b. Parental involvement

    c. Data review

    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)

    e. Additional student evaluations

    f. Debriefing with staff

    g. Use of schoolwide positive behavior support

    h. Changes to the school environment

Total number of incidents of seclusion for the 2017-18 school year.

0

Total number of incidents of seclusion for the 2018-19 and 2019-20 school years.

0

Indicate the percentage of increase or decrease in the 2018-19 and 2019-20 rates.

0

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

N/A

Note whether or not the district attained the 2018-19 goal for rate reduction of seclusion and the difference between 2018-19 percentage goal and the actual 2018-19 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

0 District policy prohibits the use of seclusion.

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

Who coordinates the inspection conducted by the Fire Marshal?

There are no seclusion rooms in the district. The inspection, if these rooms existed, would be coordinated by the Director of Exceptional Student Education.

How is the safety of the seclusion rooms monitored?

If such rooms existed, the principal or his/her designee would monitor the room for safety on his/her campus.

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

Reports would be emailed to the Director of Exceptional Student Education.

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

There are no seclusion rooms in the district.

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

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

There are no seclusion rooms in the district.

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

No schools in the district have seclusion rooms.

When are the seclusion rooms used?

Seclusion is prohibited in the district.

How are the seclusion rooms used?

Seclusion rooms are not permitted in the district.

Describe the data reviewed from the 2018-19 school year (which must include primary exceptionality and race or ethnicity of students secluded).

N/A

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

Since seclusion is prohibited, the district will continue to train with this policy.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2019-20 and 2020-21 school years.

N/A

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

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

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

Training of district policy.

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

Personnel for training, CPI training, verbal de-escalation training.

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

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

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

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

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

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

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

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

- ○ Yes
- ◉ No

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

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

- ◉ Yes
- ○ No

Section B.2: Parental Input and Meetings

Parental Input and Meetings

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

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.

2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected:

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

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

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

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

Written Agreements

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

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs

5. Dissolving the agreement

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

- ○ Yes
- ◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

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

- ◉ Yes
- ○ No

If the answer to the above question is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Martin County, Indian River County, and Okeechobee County Deaf and Hard of Hearing Special Education Services. Students requiring educational services to address the hearing impairment are provided by the St. Lucie County Public Schools. These services are provided in the form of specialized instruction in an ESE setting by a certified teacher of Deaf Hard of Hearing. The services of an interpreter are also provided for students who access the general education classroom environment. Transportation services are provided by the district where the child resides. Students from the quad county area if Indian River, Okeechobee and Martin may elect to receive educational services in St. Lucie County or the district in which the student resides may choose to provide educational services in their own county.

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

- ○ Yes
- ◉ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

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

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

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

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

Students with disabilities are provided educational IEP driven services in the adult correctional facility in core academics by a certificated teacher. A district program specialist oversees and assures the services on the IEP are implemented and in compliance.

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

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

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.

2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.

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

education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

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

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

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

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:

    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student

    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day

    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP

    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

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

District Responsibilities

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

    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.

    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.

c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure

reimbursement from other agencies.

j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

k. Provision for terminating the contract.

l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

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

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

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

Florida Educational Finance Program (FEFP) Funds

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

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

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

Notes:

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

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

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

- ○ Yes
- ◉ No

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

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

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

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Florida Department of Education, Bureau of Exceptional Education and Student Services.

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

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

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.

2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.

    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.

2. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

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

1. Access rights

    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:

        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records

    d. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.

    e. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

    f. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.

    g. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.

    h. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.

2. Amendment of student records

    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.

    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.

    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.

    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.

    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the

decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

- The right to review and inspect the student's education records, including the procedures to exercise this right
- The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent

- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

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

9. Funding formula

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

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

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

Coordinated Early Intervening Services (CEIS)

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

CEIS may be used for:

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

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

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

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

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

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

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

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

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

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

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

One of the following must be selected:

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

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

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

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

One of the following must be selected:

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

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

Upon receipt of a Request for Exceptional Student Education (ESE) Due Process Hearing, a District staff member contacts the Parent to briefly explain the resolution process and schedule a resolution meeting. The meeting is scheduled within 15 calendar days of receipt of the request for a due process hearing, unless the District and the Parent agree in writing to waive the meeting or use the mediation process instead of a resolution session. Once the District and Parent have agreed upon a date, time and location for the meeting, a District staff member completes a meeting notification form. The notification includes the date, time, and location of the meeting as well as the agreed upon relevant members from the District who will be participating in the meeting, including a District representative who has decision-making authority. A school board attorney is not included unless the Parent is being accompanied by an attorney. The notification form is sent to the Parent via email or fax. If the Parent does not have access to email or fax, the notification may be sent via U.S. Mail, or provided in person. The District documents the attempts to contact the parent to schedule the resolution session. If after making reasonable, documented attempts, the Parent is not responsive to the District's efforts to obtain their participation in a resolution meeting, the District, at the end of the 30-calendar-day resolution period, will request that the Administrative Law Judge (ALJ) dismiss the Parent's request for due process hearing. Written agreement to waive the resolution session or use the mediation process is typically obtained via email or fax. If the Parent does not have access to email or fax, written agreement is obtained via U.S. Mail, or in person. .

Section C.2: Parental Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

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

Procedures

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

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

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

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

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.

2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.

3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.

4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.

5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.

6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:

    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.

    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

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

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:

    a. Must be at least 18 years old.

    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.

    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.

        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.

    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.

4. Appointment of a surrogate parent for a student who has or is suspected of having a disability

    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.

    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.

    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.

    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

c. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

d. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

e. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

c. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

g. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

5. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.

7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.

8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected:

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

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

Annual training is completed with the district's Exceptional Student Education Specialist - School Based, at the beginning of each school year relative to F.A.C 6A-6.0333. Technical support is provided by the district's ESE Program Specialists and/or the Director of ESE as needed. When school based personnel determine that a surrogate is required, the Director of Florida Learning and Diagnostic Resource Services is contacted and a surrogate is assigned from the pool of trained surrogates approved by the Superintendent of St. Lucie County Schools within 30 days of the request. Determination of need for a surrogate is made when a student with a disability does not have a parent or guardian to represent his or her interest in the ESE process and to participate in the educational decisions for the student. The determination of parent is made following Section 300.30(a) of Title 34, Code of Federal Regulations. A surrogate is needed when the natural parent or guardian is unknown or their whereabouts cannot be determined, when the student is a ward of the State or ward of the court under Florida law, when the student is an unaccompanied homeless youth, or when it has been determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action. Reasonable efforts to locate and include the parent in the educational process are made by school personnel prior to requesting a surrogate parent. Reasonable efforts include but are not limited to consulting with other agencies that have had contact with the student, certified letters, home visits, and phone contacts.

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

To recruit and train a pool of surrogates, presentations are given throughout the school year with various community groups including retired educators, Guardian Ad-Litems, etc.

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

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

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

Procedures

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

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

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

   a. Adopts the student's IEP or EP from the previous school or school district, or

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

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

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

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

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

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

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:

    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.

    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.

    c. May not use a student's benefits under a public insurance program if that use would (any of the following):

        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

    e. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:

        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

    f. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:

        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

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

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

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

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

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

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

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

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

4. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

5. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

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

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

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

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

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

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions

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

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

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

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

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

(●) Yes
( ) No

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

The document is available to all personnel on SHAREPOINT within the Office of Teaching and Learning, the district's intranet site. Additional documents that are accessible to all stakeholders can be located under MTSS Resources on the Curriculum page. http://www.stlucie.k12.fl.us/departments/curriculum

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

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Academic: St. Lucie Public Schools (SLPS) uses iReady Diagnostic for grades K-8 as a universal screener in both reading and mathematics. The assessment is given Fall, Winter, and Spring in order to monitor student performance at grade level, below grade level, and above level. In addition, SLPS uses FLKRS in the fall as a screener for Kindergarten readiness and uses the information to provide remediation as necessary starting in Kindergarten. Other universal screeners include the Florida Standards Assessments (FSA) and Florida End of Course Exams (EOC). This coincides with the district's Comprehensive Reading Plan submitted to FLDOE. Data teams at the school and district level also use a variety of tools to monitor student progress throughout the year. This includes: District Unit Assessments (standards-based assessments based on units of study on grade level standards), iReady Growth Monitoring assessments (for math and reading that occur each month a Diagnostic Assessment is not administered), Reading Plus (reading intervention program for grades 6-12), EasyCBM, and other assessments and interventions that support the analysis of student performance based on the input from the data teams. District Unit Assessments are created at the district level and are based on the units of study and the scope and sequence that is developed by the district. The unit assessments are standards-based and provide information on student performance of grade level expectations. Data from District Unit Assessments can be found in Performance Matters. Using Performance Matters, schools and district team members can determine whether or not students are progressing to grade level expectations. The Growth Monitoring assessments provide a short progress monitoring check that allows teams to determine if students are making progress towards the likelihood of being on or above grade level, meeting targeted growth based on their individual scores, and/or meeting average grade level growth (comparative to their peers). Reading Plus in an intervention program that is used in our middle and high schools. This program provides support for students in silent reading fluency, vocabulary and comprehension skills and interest, confidence, and motivation. Students are assessed three times a year on their skills, but are tracked weekly on their individual progress within the program. EasyCBM progress monitoring probes that measure early literacy as well as fluency, vocabulary, and reading comprehension for reading and common core domains for mathematics. Based on the percentile, interventionists can determine if students are progressing through a skill, need continued instruction on an intervention, or if there is an underlying issue that needs attention prior to remediation on the specific skill being assessed. For students receiving supplemental (Tier 2) intervention support monitoring data can be collected more frequently. Progress monitoring must occur at least every 20 instructional days but may occur more frequently. For students receiving intensive (Tier 3) intervention support, progress monitoring data should be collected at a minimum on a weekly basis but may occur daily dependent upon the academic goals and the intervention. School-based teams review and assess the effectiveness of the agreed-upon interventions for Tier 2 every 10-12 weeks or more often as needed and at least monthly for Tier 3. Behavior: St. Lucie Public Schools, with regards to behavior, utilizes the Prior Year Universal Screening, School-wide Office Disciplinary Referral (ODR), Front Desk Log (FDL), Behavioral Incident Report (BIR), and PBIS Integrity Tool for universal screening measures for behavior. Progress monitoring tools for behavior include School-wide Office Disciplinary Referral (ODR), Front-Desk Log (FDL), and Behavior Incident Report (BIR). Also, SLPS has created an Early Warning System (EWS) through Power Bi that allows for the tracking of student information both at a school and district level. This allows for Problem Based Solving Teams to monitor attendance, grades, referrals, and academic performance on state assessments. With the laser focus on Chronic Absenteeism, we are continuing to develop interventions to mitigate these occurrences and decrease the frequency. Tier 2 behavioral interventions may include Second Step, Check-in/Check-out, and Skills Streaming. Tier 3 interventions are functional behavioral assessments (FBAs), behavioral intervention plans, and mental health counseling, as needed. The frequency and duration varies by instruction and intervention protocol. In schools where school-based behavior techs are located, they collect data daily for Tier 3 behavior interventions and graph the data every two weeks for the behavior analysts or for the problem-solving teams. In schools where behavior techs are not located, the problem-solving team designates an individual responsible for collecting and graphing the data. Based on the results of the data review, the team will determine if interventions are effective and should end, continue, be modified, or if the intensity of need or lack of progress warrants the initiation of a referral. Based on this data review, in conjunction with parent input, the team will determine if this student may be a student with a disability and, subsequently, if an evaluation is warranted. Data used to make this determination may include, but are not limited to, classroom assessment data, grades, progress monitoring, attendance, discipline and parent input.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity

St. Lucie Public Schools has created a practice that is designed to lead school-based teams through the MTSS problem-solving process in order to best address student needs. This practice should assist the team in the problem-solving and decision-making process. It is comprehensive and allows the team to effectively use data to match research-based and/or evidenced-based interventions with student needs. Additionally, this approach ensures that the district is in compliance with state-adopted rules and federal mandates. District support staff (school psychologists, school social workers, behavior analysts, interventionists, ESE program specialists, etc.) are vital members of the school based teams. They have been trained in the problem-solving framework and assist with interpreting data, implementing interventions, and monitoring data.The district monitors the implementation and fidelity of problem identification, problem analysis, intervention development, and intervention effectiveness by supporting schools through the Problem-Solving Method. The Problem-Solving Method is a data-based decision-making process that is used to identify needed interventions for students in Tiers 1, 2, and 3. As a general rule, the composition of a Problem-Solving Team changes by adding specialists' expertise as services are delivered from tier to tier. Whether the team is the school leadership team, teacher team, or multidisciplinary (individual) problem-solving team, the problem-solving process is applied systematically in order to analyze the data. School-based teams use the Student Information System (SIS), RTI-Skyward, to track interventions provided. RTI-Skyward is utilized to summarize students' response to interventions, if the interventions are effective, and if there is a need to request a comprehensive evaluation. Although the district does provide model schedules within the MTSS manual, individual schools have some flexibility in determining a schedule of data reviews and monitoring fidelity of the MTSS process. Problem Solving Teams determine how to monitor the fidelity of interventions at Tiers 2 and 3. The school-based teams determine the need for changing intervention group participation and revision of student specific interventions. The district provides a fidelity observation form that is to be used for Tier 2 and 3 monitoring of interventions for both academic and behavior. Members of the Superintendent's Cabinet meet with school administrators to review school-based data and determine if the problem-solving process is being implemented with fidelity.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation

A parent brochure explaining the components of a multi-tiered system of supports is available on the district website. School counselors are encouraged to hand out the MTSS pamphlets to parents. Parents are invited to all individual problem solving meetings. Parents are always invited and encouraged to participate in the problem solving process for their children. Meetings are scheduled with the parent at a mutually agreed upon time to discuss the concerns voiced either by the teacher or the parent. Educational personnel with knowledge and expertise about the child are invited to attend the meeting which begins with a statement of the concerning problem and a review of existing data. The parent is afforded an opportunity to provide input to the problem solving process and to also provide input into the agreed upon interventions. Parents are informed at the onset that they have a right to request an evaluation under IDEA if they suspect the child has a disability and if they do request an evaluation are informed that the interventions agreed upon would occur concurrently with the evaluation. Progress monitoring data is graphed and provided to parents at each problem solving team meeting. Parents are notified and data is shared when their child enters, changes, or exits intervention groups. Parents are also notified of students' progress when the school-based team meets to review their progress. Teams also provide parents with materials and resources to support their child at home. A parent handout regarding evaluations for special education services is included on the parent section of the district website. This handout describes a multi-tiered system of supports, as well as evaluation procedures. Parents are informed from the onset of the problem solving process or at the time they voice any concern about suspicion that their child may be a child with a disability that they have a right to request an evaluation of their child for consideration as a child with a disability. Parents are informed of the procedural protections when these requests are made as well. If the team determines there is not a positive response to the interventions they may agree to move forward with an evaluation. If the parent and the team agree to an evaluation, consent is obtained. If interventions were not already in place they are completed concurrently with the evaluation.

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

    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.

    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.

    c. Conduct additional screenings to assist in determining interventions as appropriate.

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

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

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

Procedures for Initiating an Evaluation

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

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

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;

2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and

3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or

4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school- district operated preschool program may be a student with a disability and needs special education and related services.

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

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

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

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

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;

2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or

3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

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

For child find screenings completed by FDLRS, the consent for initial evaluation will be obtained immediately upon the review of screening results indicating a need for further evaluation or if the parent requests a complete evaluation even when the student has passed the screening process. When a parent requests an evaluation of his or her child ages three to kindergarten or upon identification of a child who is suspected of having a disability through the district's child find process, the school district, within 30 days, will provide notice to the parent that describes any evaluation procedures that the district proposes to conduct and at which time the school district will obtain informed consent from the parent to determine if the child is a child with a disability.

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

When a school or district personnel have received a request from the parent for an evaluation to be conducted to determine if their child is eligible for special education or related services, within 30 days the school counselor conducts a meeting of the problem solving team to review data and obtain written consent for an evaluation or begin the process of completing a written notice of refusal explaining why the district is not securing consent for a psycho-educational evaluation at this time. The evaluation is completed within the 60 calendar day time frame.

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

A student may be referred for an evaluation after receiving evidenced-based interventions addressing the identified areas of concern in the general education classroom. The interventions will be selected for implementation through a process that uses student performance data to identify and analyze the area of concern. These interventions will be monitored for their effectiveness and implemented for a reasonable intensity and duration with evidence of implementation fidelity. The Problem Solving Team (PST) chairperson will convene a meeting to review the response to intervention data from Tiers 1, 2, and 3. The Problem Solving Team Chairperson may inform the parent of the need to conduct screenings which will be used to inform interventions or instruction. The team may also request a vision and hearing sensory screen if necessary. The PST Chairperson will convene a meeting to review the results of the screening process and the team (inclusive of the parent) determines if a full evaluation is warranted. If a full evaluation is warranted or requested, the evidenced-based interventions addressing the students needs are continued, sensory screenings are conducted and consent for formal evaluation is obtained from the parent. The team will determine the scope of the evaluation based on the analysis of student data including, but not limited to, the response to interventions. A referral packet with all required documents will be submitted to the evaluation specialist(s). After receiving parental consent for evaluation for consideration of a disability, the student is evaluated within sixty (60) calendar days. The evaluation specialist(s) will complete a report summarizing the results from all administered assessments and submit it to the PST Chairperson, who will then schedule an eligibility staffing. A student may be referred for a gifted evaluation by a parent, teacher, or other school personnel. If referred for a gifted evaluation, consent is obtained and the evaluation is conducted and checklists are completed by teacher and parents. After completion of the evaluation an eligibility determination will be conducted to determine whether or not the child meets criteria for the program.

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

The parent/guardian of a non-public school student may request an evaluation through the district's Private School Evaluation Team. Upon receipt of a referral from a parent/guardian or non-public school the Private School Evaluation Team Chairperson contacts the parent/guardian to schedule a Problem Solving Team meeting. These meetings are scheduled within 30 calendar days of receipt of the referral. The Problem Solving Team meets at a mutually agreed upon time. A representative of the non-public school is invited to attend. If appropriate, parent may sign a consent for individual evaluation. If, however, the reviewed data does not suggest a suspicion of a disability in need of special education or related services, the team will generate a written notice explaining why the district is not securing consent for a psycho-educational evaluation at the present time and could suggest interventions that may help address the communicated concerns. The referral packet is compiled by the Private School Evaluation Team Chairperson and provided to the evaluation specialist(s). Upon completion of the evaluation(s), the report(s) are sent to a local public school in the student's attendance zone so that they may conduct the eligibility meeting. A representative of the non-public school is invited to attend the eligibility meeting.

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

If a [non-school aged] child is suspected of having a disability and has never been in any school, the parents, caregiver, or agency should contact the Florida Diagnostic and Learning Resources System (FDLRS) Child Find Department to identify the child and express their concerns. The FDLRS Child Find Department will complete all necessary referral information and work cooperatively with the Department of Student Services to obtain an individual evaluation for the child. If a parent moves into our district with a child who is school-aged and has never been enrolled in any school, they can register their child through the Student Assignment Office. The assigned school will assist the parent in obtaining the needed services or evaluation. For students who are home-schooled, parents may request an initial evaluation for students who are suspected of having a disability or who may be gifted. These requests are submitted to the Private School Evaluation Team Chairperson, who will then schedule a Problem Solving Team Meeting. Upon completion of the evaluation(s) the report(s) are sent to a local public school in the student's attendance zone so that the eligibility meeting can be completed.

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.

2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation

    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.

    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.

    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.

    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:

        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument

2. Evaluation timelines

    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

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

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

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

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

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

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

Every effort will be made to complete the evaluation in the same 60 day time frame but no more than 90 days.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct.The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.
Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

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

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted.In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

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

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

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

iv. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues

to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

iii. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

e. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

f. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

g. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

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

2. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

3. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination

of a student's eligibility for ESE services.

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

Within ten calendar days of completion, the school counselor and school-based ESE specialist consult to arrange a mutually agreeable meeting time with the parent to conduct an eligibility staffing. The eligibility staffing will be completed within a reasonable time period as not to delay the provision of services if the student is found eligible for an ESE program.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.

    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.

    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.

    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.

    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.

    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:

        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education

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

    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.

    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:

        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and

- Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.

f. The IEP team may conduct the review of existing evaluation data without a meeting.

g. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

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

h. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

i. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

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

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

3. Reevaluation timelines

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

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

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

An IEP team meeting is held at least every three years to address the reevaluation needs of a student. The IEP team meets to consider the following: 1. Is more information needed to determine if this is still a student with a disability? 2. Is more information needed to determine the present levels of performance? 3. Is more information needed to determine if the student still needs ESE services? 4. Is more information needed to determine if there is a need to modify the IEP or support participation in the general curriculum? 5. Is more information needed to determine whether special considerations e.g., communication or behavior, are interfering with the student's progress? 6. Is more information needed to determine appropriate placement? If team responds yes to one or more of the above questions, the team determines what specific evaluations will be completed based on the individual needs of the student. In light of the above questions, input from the parent is sought regarding concerns or any additional information that the parent deems pertinent. Parental consent for the evaluation(s) is obtained in accordance with F.A.C. 6A-6.0331. The Exceptional Student Education Specialist-School Based, submits the request to the appropriate evaluation specialist. The student name is entered into the district's tracking system and the appropriate personnel are notified. The timeline is monitored by the Exceptional Student Education School Based Specialist at each specific school. Monthly reports are generated for each school site and these reports are monitored by district level personnel as well to ensure compliance with timelines.

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

Requests for a re-evaluation meeting will be held a few months prior to the triennial date, so that if a formal re-evaluation is requested either by the school district or the parent, the results will be available, analyzed, and integrated prior to the timeline of the Triennial date. While evaluations will be completed by the reevaluation date, every effort will be made to complete evaluations within 60 calendar days once consent from the parent, guardian, or adult student is obtained.

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

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

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

When a parent requests a reevaluation, the IEP team meets [at a mutually agreeable time] to address the parent's concerns, review existing data, and to determine what additional [formal testing] data may be needed. The team will either seek parental consent [to formally evaluate] or provide a Prior Written Notice of Refusal. If the parent does not attend [their requested] meeting, at least two attempts will be completed to include the parent in the [reevaluation] process [before closing the case tied to their request for a reevaluation]. When a parent requests a reevaluation, the school will schedule a meeting at a mutually agreeable time to address the parent's concern. If the parent does not attend the meeting, at least two attempts will be completed to include the parent in the process by describing what assessments the team has determined are needed and to obtain parental consent for reevaluation. If the parent does not respond to the attempts to be included in the process, the Notice of Consent for Reevaluation will be provided to the parent. If the IEP team determined that no additional data/assessments were needed, a Prior Written Notice of Refusal will be provided to the parent informing them that a reevaluation will not be conducted. When a parent requests a reevaluation the IEP team meets to address the parent's concerns, review existing data, and to determine what additional data may be needed. The team will either seek parental consent or provide a Prior Written Notice of Refusal.

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

To ensure that an assistive technology assessment is completed within 60 calendar days after an IEP team makes the recommendation, the Exceptional Student Education Specialist-School Based or School Counselor submits the request to the Exceptional Student Education Office within 10 school days of consent.

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

    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.

    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.

    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

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

Definition

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

General

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

at public expense.

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

If a parent disagrees with an evaluation obtained by the school district, the parent can request an IEE by contacting the Director of ESE or the Director of Student Services. The parent will be provided with information about the evaluation and the qualifications of the examiner. The standards for the evaluation and examiner qualifications must be consistent with the criteria that the district uses when evaluating. The Director of ESE or the Director of Student Services will ensure that an independent educational evaluation is provided at no cost to the parent; or File a due process complaint to request a hearing to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria.

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

The school district will consider any evaluation submitted by a parent for the purposes of seeking placement in (determining eligibility for) special programs or services that was completed by a private practitioner at parent expense. The submission of a private evaluation for the consideration of eligibility for special programs or services includes implied consent. Consideration of the evaluation includes a review of the evaluation at the district level by the case review committee within Student Services. The following steps will be followed for all parent-initiated private practitioner evaluations: 1. The school counselor, ESE Specialist, or the school psychologist assigned to the school is responsible for explaining the review process to the parent which will be conducted in Student Services and explaining the possible outcomes of the review: accepting the results of the private practitioner without modification, accepting the results of the private practitioner with the recommendation for additional data/testing completed by school district personnel, or rejecting the results of the private practitioner with the recommendation that school district personnel complete a comparable evaluation. 2. The parent will be informed that once the review process and any additional testing that are needed are completed (if applicable), the evaluation results will be reviewed at an eligibility staffing at the school. 3. The parent will be provided with copies of the Explanation of the Process for the School District to Consider Educational Evaluations Undertaken at Parent Expense sheet (E5(a)-12) as well as the two page, Parent-Initiated Educational Evaluations Undertaken at Parent Expense document (pages E5(a)-1 & 2) at the time that the case review process is explained to the parent. 4. The school counselor will provide the school psychologist assigned to the school with a copy of the evaluation completed by the private practitioner and a copy of the referral packet for the student. 5. The school psychologist will review the private practitioner's protocol(s) upon receipt. 6. The school psychologist will notify the Coordinator of Mental Health & Psychological Services or designee that a case review is necessary. The school psychologist is responsible for ensuring that an additional school psychologist is available for the case review. The Coordinator of Mental Health & Psychological Services or designee will schedule a case review committee meeting. 7. The case review committee will meet and review the private evaluation report and any other relevant assessment data to identify problems with discrepant cognitive scores or inconsistent data, if any. 8. The results of the review and the committee's recommendations will be reported on the Case Review Meeting Summary form (E5(a)- 9 & 10). Possible recommendations include: •Accept private practitioner testing without modification •Accept current testing or parts of the current testing with additional testing required appropriate to the individual student •Do not accept the private evaluation; complete a district evaluation 9. If the private practitioner testing was accepted without modification or the need for additional testing, then one member of the review committee, preferably the school psychologist who initiated the review, will attend the eligibility staffing conference at the student's school to discuss recommendations and no further steps will be followed. OR If additional testing is recommended, the assigned school psychologist will complete the additional testing. Formal consent for evaluation will be obtained prior to completing any additional testing.

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 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

- ○ 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 CFR §§300.8, 300.34, and 300.113
Sections 1003.01, 1003.55, and 1003.57, F.S.
Rules 6A-6.03013, 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

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

Eligibility Criteria

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

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

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

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

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

Student Reevaluation

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

Qualified Evaluators

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
7. 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.
8. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.

9. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.

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

11. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

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

○ 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 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.

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

Eligibility Criteria

1. For a child three through five years of age
   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

   - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
   - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
   - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   d. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

3. For a child birth through two years of age (below 36 months)
   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

   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; or

   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.

d. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

e. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

f. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

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

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:

    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.

    b. A parent requests an evaluation and there 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:

    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.

3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.

2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age

    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.

    b. Because of the rapid development of young children, on-going observations and assessments shall be

conducted as needed to plan for IFSP or IEP modifications.

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

   a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

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

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

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

Definition

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

Eligibility Criteria

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

1. One or more of the following visual impairments:

    a. A visual acuity of 20/70 or less in the better eye after best correction;

    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;

    c. A 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 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;

    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;

    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;

    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**

    e. Functional hearing loss;

    and

3. The student demonstrates a need for special education.

OR

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

5. The student demonstrates a need for special education.

Student Evaluation

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

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with 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 functional vision evaluation;

4. A functional hearing assessment;

5. An assessment of social development;

6. An evaluation of receptive and expressive communication by a speech and language pathologist;

7. A learning media assessment;

8. If appropriate, an orientation and mobility assessment and sign language assessment; and

9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:

    a. A functional vision evaluation;

    b. A functional hearing assessment;

    c. An assessment of social development;

    d. An evaluation of receptive and expressive communication by a speech and language pathologist;

    e. A learning media assessment;

    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and

    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

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

The following are qualified evaluators for specialized evaluations:

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

Unique Philosophical, Curricular, or Instructional Considerations

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

7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.

8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.

9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

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

○ 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 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

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

Evidence-Based Interventions in General Education

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

Eligibility Criteria

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

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:

    a. Internal factors characterized by:

    - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
    - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
    - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or

    b. External factors characterized by:

    - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
    - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.

2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.

3. The student demonstrates a need for special education.

4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:

    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or

    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or

    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

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

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.

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 nonpresence 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 include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.

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 the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.

2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral

interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention. A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

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

- ○ 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.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Continued Eligibility

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

- ○ 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

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

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

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. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That 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 twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 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-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (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-3.03022. 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 speciality hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's speciality 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 speciality hospital.

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

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

- ○ Yes
- ○ No
- ◉ N/A

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

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

- ○ 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 Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

accordance with Rule 6A-6.0331, F.A.C.

b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

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

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

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

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

- ○ 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 Other Health Impairment

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

○ 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, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

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

Eligibility Criteria

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

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

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

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

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

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

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

b. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

3. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

a. The student does not make adequate progress when:

- Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
- Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

and

c. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

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

    a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

    b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and

        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    c. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

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

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

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

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

c. The educationally relevant medical findings, if any

d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

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

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

- Educational need
  The student continues to need 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.

d. 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

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

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

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

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

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

The Problem Solving Team meeting notes document discussions about areas of concern (Reading, Math, Behavior, etc.). The district's Multidisciplinary Group Analysis Summary: Specific Learning Disabilities and Language Impairment form includes data to document the students response to intervention. The team determines the adequacy of the response to the intervention by documenting a positive, poor, or questionable response to intervention. Data is also used to determine if the interventions are successful, but require sustained and substantial effort that may require special education and related services. The district administers iReady Diagnostic three times per year to all students in grades 1-8. IReady is administered to kindergarten two times per year (winter and spring.) iReady does a growth monitoring probe that is scheduled for every 4 weeks. That progress check can be used in addition to any other progress monitoring conducted with any other probes that are used in tier 2. Some programs have additional progress monitoring built in. For Tier 3, the frequency of the progress monitoring is determined by what is being measured. The recommended progress monitoring for comprehension is every 10 days instead of 5, while fluency is recommended for 5 days. EasyCBM and other progress monitoring tools can be used for Tier 3. The Problem Solving Team reviews all data to determine the adequacy of the response to the intervention. Data is compared to average student performance, as well as student performance in the intervention group. The Problem Solving Team also uses the district's Unit Assessments to determine if students are meeting grade level standards in core content areas.

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

Parents are included in all Problem Solving Team meetings. Parents may provide information that informs the problem solving process. The district's progress monitoring tools will include reports that provide data in graphical format for all assessments given. Copies of all data are provided to parents at each Problem Solving Team meeting. Frequency of Problem Solving Team meetings is determined by the needs of the student.

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 team uses the Multidisciplinary Group Analysis Summary: Specific Learning Disabilities and Language Impairment form to compare student data to that of other groups of students, including all relevant subgroups. Data from each of the progress monitoring tools used and the district's Unit Assessments are analyzed to make comparisons to other students. The Problem Solving Team reviews other student data (e.g. attendance, LEP status, etc.)to determine if any academic deficits are due to exclusionary factors. Classroom observations, attendance, and behavior data are reviewed to determine that the findings are not due to a lack of instruction in reading or math or limited English proficiency.

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

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

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

Statutory and Regulatory Citations

34 CFR §§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.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for 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

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

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

a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

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

a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

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.

5. For a fluency disorder, the evaluation must include all of the following:

a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

c. An examination of the oral mechanism structure and function.

d. An assessment of all of the following areas:

- Motor aspects of the speech behaviors
- Student's attitude regarding the speech behaviors
- Social impact of the speech behaviors
- Educational impact of the speech behaviors

e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

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

a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

c. An examination of the oral mechanism structure and function.

d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

    a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

    b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

    c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., 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 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 (SLA)
   Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

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

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

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

○ 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 CFR §§300.8, 300.306 and 300.34
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-6.0331, 6A-6.030121, 6A-6.03028, 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. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

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

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of 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

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below

the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

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

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. 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 under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate,

the student, must support the results of the standardized instruments and observations conducted.

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

d. The group determines that its findings under 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.

4. 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.

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

    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and

delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected

b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

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

a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

4. 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. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be

used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.

2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.

3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., 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.

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

5. Speech-language associate

    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.

    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

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

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

Definition

1. Students who are visually impaired include the following:

    a. A student who is blind, has no vision, or has little potential for using vision.

    b. A student who has low vision.

    c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

    d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

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

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:

    a. A visual acuity of 20/70 or less in the better eye after best possible correction;

    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;

    c. A diagnosis of visual impairment after best correction, or

    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.

2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.

2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.

3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:

    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-

determination, social skills, and independent living;

b. A learning media assessment; and

c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.

2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist

2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist

3. Learning Media Assessment: teacher of the visually impaired

4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.

2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.

3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

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

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

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 and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

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

Determination of Need for Occupational Therapy

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

1. Review assessments conducted by the related service provider and all other relevant data.

2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.

3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

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

Determination of Need for Physical Therapy

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

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

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

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

Procedures

1. Role of parents

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

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting; 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 Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

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

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend;
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child. Parents may also be accompanied by an

adult of their choice at a meeting with school district personnel.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4 below. Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Standards Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14 or more, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

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

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment. The regular education teacher of a student with a disability participates, to the extent

appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district. At the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results. This role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel. The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services. Parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

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

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

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

Identify the individual(s), by name or position, who have been granted this authority.

The ESE School Based Specialists, ESE District Program Specialist, Director of Exceptional Student Education and the Executive Director of Exceptional Student Education and Student Services have the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

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

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

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines
   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

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

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at 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, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary. School districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered; however, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

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

The determination of ESY services is a decision made by the IEP team. The expectation is that the IEP team review assessment and progress monitoring data as well as specific data related to progression toward mastery of goals. The team is to consider all criteria as listed on the ESY Needs Determination form when discussing eligibility for ESY. Data from all service providers, including related services, will be reviewed and considered when determining ESY eligibility. Parental input is also considered when addressing ESY for a student with a disability. ESY eligibility is to be addressed for all students with disabilities and not limited to any area of program eligibility, length of time, or format. The ESY Needs Determination form is available on the FLDOE website under ESE Technical Assistance Papers (TAPs). Teachers and other service providers will collect data throughout the school year. If an IEP review is held during the first semester of the school year, the team may not have the necessary data to determine the need for ESY. If this is the case, the team will inform the parent that the IEP team will reconvene prior to the end of the school year to determine the need for ESY services. At any time during the school year, the IEP team may consider ESY services for a student with a disability.

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

The district ESE Program Specialists provide annual training to ESE specialists School-based addressing the continuum of services available for ESY. IEP teams are not limited to the continuum of ESY services presented as IEP teams may determine a delivery method that had not been previously considered. The array of services provided during ESY to date include: Speech and Language therapy; related services including nursing, O & M, OT and PT; vision services; life skills instruction; extension of IEP goals addressing standard and access curriculum; job coaching, skill packets; support facilitation for ELA skills instruction for students in third grade who have not met promotion requirements on the FSA; access to district internet programs for skill remediation and enhancement such as iReady Math and Reading, Capstone, Edgenuity, Reading Plus, Achieve 3000 and services provided through the Homebound/Hospitalized program. Access information is also provided to parents regarding community services such as: Parks and Recreation activities, ARC, CARD, and education summer programs such as Title 1 programs. The notifications are provided in multiple formats to parents. When specialized instruction and related services are provided by an ESE teacher or therapist in a school setting, the provision of services is supervised by the principal assigned to the school. District ESE specialist provide support to instructional personnel and the administration. If the student requires job coaching services, a job coach is assigned to the student. The job coach is supervised by the school principal in collaboration with the district program specialist for transition. If the IEP team determines that packets should be provided for the student to complete at home, the ESE Specialist, School-Based or ESE teacher/therapist will contact the parent to obtain the completed packets at the beginning of the new school year. If a student is attending a Title 1 program or other instructional program offered by the school district, ESE staff ensure that the IEP is available for teachers providing the instruction. Programs offered by Parks and Recreation, ARC, and CARD are not monitored by the district. The ESE Specialist, School-Based provides training to general education and ESE teachers at their school. They use district provided training materials (PowerPoint, Needs Determination form). ESE Program Specialists from the district provide support for school-based training when needed.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive 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 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 general 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 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 description of the action proposed or refused by the district;
- An explanation of why the district proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
- 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 the means by which a copy of a description of the procedural safeguards can be obtained;

- Sources for the parents to contact to obtain assistance in understanding the notice;
- A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the 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 curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in compliance with state and federal law. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Standards Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, 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(11), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

10. Transitional needs addressed within IEP

a. Before a student attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

- A statement of intent to pursue a standard high school diploma pursuant to s. 1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.4285, F.S., as determined by the parent;
- The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
- Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16.

b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP.
- A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in section b (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.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

11. 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 Disabilites

a. General requirements.
Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(110) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(11), F.S. Students who entered Grade 9 before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

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 significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible Career and Technical Education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

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 the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

ii. Participation in the Florida Standards 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.

iii. A score of at least 4 on the Florida Standards 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)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, 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 of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

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(10)(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(10)(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)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

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 found at s. 1003.4282(10)(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.

a. 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.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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.

b. Placement of the student in an ESE center school.

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

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

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the

district obtains approval through a due process hearing.

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

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

14. Least restrictive environment (LRE) and placement determinations

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

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

      The district completed the BPIE.

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

St. Lucie Public Schools updated the BPIE on 7/22/19.

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

The anticipated date for the triennial BPIE assessment is 11/1/21.

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

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

St Lucie Public Schools provides a continuum of alternative placements including instruction in general education classrooms, inclusion classrooms, resource room classes, alternative schools, home instruction, and instruction for homebound/hospitalized students. Students with a low-incident disability (such as ASD, EBD, InD and Deaf Hard of Hearing) may be placed at district identified schools that house the cluster sites. We do not contract with another district for our students to attend at this time.

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

In St Lucie Public Schools, the IEP team determines provisions of supplementary services and placement of the student based on the studen's needs with consideration of parental input. The IEP team considers regular class placement first. If regular class placement with consultation or support facilitation does not meet the needs of the student, the team considers additional services which may include, but is not limited to services in a resource room to provide additional time for grade level instruction, remediation of skills, social skills instruction, and specialized skill instruction.

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

15. Review and revision of the IEP
    The district ensures that the IEP team:

    a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

    b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7.

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

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

a. Changes to the postsecondary or career goals; and,

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

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

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 nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with 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 the district serves students with disabilities in its other schools. This includes the following:

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

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

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 nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

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

- ○ 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.

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

4. 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.

5. 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.

6. 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.

7. 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.

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

Procedures

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

appropriate for a student with a disability who violates the Code of Student Conduct.

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

St. Lucie County School District, with consultation support from the University of South Florida, adopted Positive Behavioral Interventions and Supports (PBIS) as the district wide positive behavioral system. Although schools are at varying levels of implementation, all schools in St. Lucie County are PBIS schools, with many receiving model school status recognitions. Each school in St. Lucie County must develop a Positive Behavioral Intervention and Support plan which is a multi-tiered system of supports and interventions to meet school wide, classroom and individual needs. Each school's plan must be submitted to the district level review committee which consists of personnel trained in Positive Behavioral Interventions and Supports (MTSS-B Coaches)for their review, feedback and approval. At the beginning of each school year, district level training in Positive Behavioral Interventions and Supports, emphasizing the sixteen critical elements of the program, is provided to targeted school based personnel (administrators and MTSS-B Coaches). These administrators and MTSS-B coaches then train school based staff in Positive Behavioral Supports targeting the effective implementation of the school's multi-level system of support plan. Each school has a designated MTSS-B/PBIS school based team which meets at varying intervals (depending upon the individual school's plan) to progress monitor the effective implementation of the plan. Ongoing assessments such as Benchmarks of Quality, Advanced Benchmarks of Quality, and data reports generated through the school based behavioral data collection system are reviewed by data teams throughout the year to ensure fidelity to the plan and to measure the plan's effectiveness. The district's Behavior Team comprised of Behavior Analysts, Behavior Specialists, and School Psychologists provides ongoing training throughout the year to behavior technicians, paraprofessionals and teachers in classroom management techniques/strategies such as CHAMPS, Behavior Tools 1 and 2, Crisis Prevention Institute-Nonviolent Crisis Intervention (CPI-NCI), Professional Crisis Management (PCM) and implementation of individualized Behavior Intervention Plans, classroom engineering and development of social stories. Initial training, as well as refresher training, as required by the program are offered throughout the year for CPI-NCI and PCM. Each school in St. Lucie County also has an identified FAST team (a team of personnel trained in Crisis Prevention Institute-Nonviolent Crisis Intervention) to respond to emergency or crisis behavioral situations. Behavior Analysts, Behavior Specialists and School Psychologists provide support and training to ESE School Based personnel in conducting Functional Behavioral Assessments (FBA) and developing Behavioral Intervention Plans to address individual student's needs, collection of data and interpretation of data including creating graphical representations of the collected data. Programs such as Skillstreaming, Second Step, and Tough Kid ToolBox are provided to schools to provide instruction in social skills and to enhance social and emotional learning. Schools also work collaboratively with the Department of Social and Emotional Learning for training and follow-up with Sanford Harmony, Lion's Quest, and Check and Connect. Counseling to address social/emotional needs is provided to targeted students through Guidance Counselors, School Psychologists and Social Workers. In collaboration with community agencies, student referrals are made for individual mental health counseling and family counseling as needed to our Mental Health Collaborative.

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.

When developing the IEP, the team begins by addressing behavior in the special considerations section of the IEP. The IEP team is charged with determining whether or not the student's behavior impacts the learning of the student or others and if the student has an existing BIP. If the student does not have a BIP, the team addresses what Positive Behavior Strategies in Tier 2 are already in place or are being proposed for the IEP revision. The IEP team addresses the present Level of performance in the social emotional domain to address behaviors impacting the student, the effects of the disability, and develops measurable goals/objectives to address the behavioral needs of the student. The team addresses what specialized instruction, if any, that may need to occur for the student to address child specific behavior. If the student has a BIP, the social emotional goals and objectives in the IEP should mirror what is being addressed in the BIP.

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.

St. Lucie County has developed a data collection and tracking system which provides district wide, school based and individualized data which can be disaggregated by types of infractions, location of infraction, time of day of infractions, gender of students involved and the specific subgroups involved. A team is identified at each school site (the RtI B team) which is a component of the PBIS team and they are charged to monitor the behavioral data and to look for school wide, classroom or individual trends that should be addressed to improve the learning environment. These teams monitor suspension/expulsion data as well. If the student's behaviors are interfering with learning or are disruptive to the learning environment, teachers, school based support staff or parents may refer the student to the Problem Solving Team for intervention(s) through a multi-tiered system of supports that the school has developed. The team using the problem solving process, identifies the problem, identifies targeted interventions which may include conducting a Functional Behavioral Assessment and developing an individualized behavioral intervention plan if needed. The team then monitors the progress of the student relative to the student's response to the targeted interventions, as well as ensuring fidelity to the targeted intervention. Progress monitoring continues as the team makes determinations as to whether the student needs additional supports/services in order to benefit from his/her educational program. A district level team consisting of ESE Program Specialists, School Psychologists and Administrative personnel also monitors the district's suspension/expulsion data, disaggregating the data by school. The data is also reviewed by specific subgroups such as gender, race and type of infraction. Schools with high incidences of suspensions/expulsions are identified and supports are provided to address the identified issues.

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

For students identified with a disability, the ESE School Based Specialist, works collaboratively with administrative personnel that oversees discipline to ensure that the student's procedural protections are enforced and protected. A manifestation determination review is held when school administration is considering a disciplinary action that constitutes a change of placement (student has been suspended for more than 10 school days during the school year; or a series of suspensions totaling more than 10 school days in a school year that creates a pattern of exclusion constituting a change of placement.) A pattern of removal is based on the student's behavior similar to the 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 and is determined on a case-by-case basis. The manifestation review process as delineated in the St. Lucie County Exceptional Student Education Policies and Procedures (SP&P) is followed and disciplinary action is determined following established guidelines.

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

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

- Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP

- Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

c. 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.

d. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

- Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
- If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
- Except as provided in 6. 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.

e. 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.

f. 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.

The School Based ESE Specialist is responsible for notifying and inviting the parents, the district Local Education Agency Representative and relevant members of the IEP Team (as determined by the parent and the school district) to the manifestation determination review meeting which must occur within 10 school days of any decision to impose disciplinary actions that would result in a change the placement of a student with a disability. The School Based ESE Specialist contacts the parents and arranges the date, time and location of the meeting. Prior written notice is provided to parents.

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

The ESE School Based Specialist and the teacher(s) monitor the student's progress academically and behaviorally. If a student's behavior is impeding ability to benefit from his/her educational program the district must conduct a functional behavioral assessment (FBA) and develop a behavioral intervention plan (BIP), if warranted to address the behavior(s) of concern that are impacting the students ability to learn. The ESE School Based Specialist contacts the parent to schedule an IEP meeting to review the student's current IEP as well as to make a decision if reevaluation is needed for the team to determine whether the student's current educational program and placement are appropriate. Consent is obtained from the parent to conduct the FBA as well as any additional assessments deemed necessary by the IEP team. When the team has completed the reevaluation and/or has sufficient data, the IEP team makes a determination relative to the need for an individual behavioral intervention plan (BIP). If the IEP team determines that an individual BIP is required, it is then developed by the team. If the student has been suspended or removed from school for more than 10 consecutive school days the IEP meeting must occur prior to the student's removal of more than 10 school days and a manifestation determination review must be conducted. If the IEP team determines that the behavior is a manifestation of the student's disability the IEP team must do the following: Conduct a functional behavioral assessment (FBA) unless the district has conducted an FBA prior to the behavior that resulted in the change of placement occurred and implement a behavioral intervention plan for the student; or If a BIP has already been developed, review and modify to address the behavior; and except as provided under special circumstances (weapons, drugs or serious bodily injury), return the student to the placement from which the student was removed, unless the parent and school district agree to a change in placement as part of the modification of the BIP.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Ongoing training in conducting functional behavioral assessments and the development of behavioral intervention plans is provided by the district's Behavior Analysts or Behavior Specialists to ESE School Based Specialists, School Psychologists, School Guidance Counselors, and targeted teachers/administrative staff throughout the school year. Each school in St. Lucie County has access to a Behavior Analyst or Behavior Specialist to assist with conducting functional behavioral assessments, interpretation of the results of the assessments, subsequent development of an individual behavior plan if indicated by the data, as well as training to building capacity at each school site relative to these needs.

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

If the behavior that was in violation of the Code of Student Conduct is determined by the IEP Team not to be a manifestation of the student's disability the disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and duration in which it would be applied to nondisabled students, except that services necessary to provide a free and appropriate education (FAPE) are provided. School personnel, in consultation with at least one of the student's special education teacher(s), will ensure services are continued to enable the student to continue to participate in the general education curriculum, although this may be in another setting, and to progress toward meeting the goals in the student's IEP.

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

On the date the decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the ESE School Based Specialist will notify the parent of the decision in writing and provide the parent with a copy of the notice of procedural safeguards. An expedited hearing may be requested: By a parent who disagrees with a manifestation determination or with any decision made by an administrative law judge (ALJ) regarding a change in placement relative to a disciplinary action; By a 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. The due process request is filed in writing to the Department of Education by the parent or by the Director of Exceptional Student Education/Designee. A resolution meeting is held within 7 days of receiving the notice of request for the expedited due process hearing unless the parent(s) and the school district agree to waive the resolution meeting or agree to the mediation process. If the parent(s) and school district do not resolve the matter to the satisfaction of both parties within 15 days of the receipt of the request for the expedited due process hearing, the expedited due process hearing will proceed. The due process will proceed if the matter is not resolved within 15 days of the request for the due process hearing. If an expedited hearing is requested by the parents or the district, notification will be sent to the Division of Administrative Hearings. (DOAH)

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

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

    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.

    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.

    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Prior to the student's removal for more than 10 days and upon recommendation for expulsion made by school based administration, the ESE School Based Specialist schedules a manifestation determination meeting. Parent(s) are notified in writing of the recommendation of suspension and if it is greater than 10 days and if there is a recommendation for expulsion by school based administration. The ESE School Based Specialist provides prior written notice to the parent(s) of the meeting. A manifestation determination review meeting is held within 10 days of the decision to change the placement of a student with a disability who has violated the Code of Student Conduct. The IEP team meets, including at least one of the student's special education teachers, shares information relevant to the specifics of the incident, reviews the student's file including the current IEP, and makes recommendations as to the services needed to enable the student to participate in the general education curriculum and to progress toward meeting the goals in the student's IEP. The recommendation of the IEP team for an IAES is provided to the district's Placement Review Specialist who schedules the case for the review of the district's Placement Review Committee. The committee reviews the recommendation by the IEP team and works collaboratively to schedule services for the student. A district level Placement Review Committee, in conjunction with school based administration, reviews the specifics of the violation of the Code of Conduct, the student's current IEP/504 Accommodation Plan, as well as the recommendations made by the school based team to ensure that the recommendations are consistent with practices and can provide the services identified in the student's individual education or 504 accommodation plan. St Lucie County has established a school site serving as the interim alternative education setting and provides a continuum of programs and related services for students identified with a disability.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

All trainings and professional development opportunities offered to administrative, instructional and support personnel throughout the SLC school district are offered to personnel at the school providing the IAES.

6. Special circumstances and interim alternative educational settings

   a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

      - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of an SEA or a school district;
      - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
      - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district.

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

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

On the date on which the decision is made to make a removal that constitutes a change in placement because of a violation of the Student Code of Conduct, the ESE Specialist School Based in collaboration with the Dean or School Based Administrator will notify the parent of that decision and provide the parent with a copy of procedural safeguards. Parents of students with a disability are invited to participate in an IEP team review of the violation of the Student Code of Conduct and review of the student's needs as to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals in the student's IEP. The parents are provided with the recommendation of the IEP team in writing and given a copy and an explanation of procedural safeguards. If parents are not in attendance at the meeting, a copy of the written notice of the decision, as well as a copy of procedural safeguards, are provided to the parent via mail.

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

The district level Review Placement Specialist tracks the placement of students removed to IAES. Date of enrollment in the IAES is entered into a computerized data tracking system which is available to district level personnel and administrative personnel at the IAES. IEP meetings are scheduled by the ESE School Based Specialists at the IAES inviting representatives from the school the student will return to after the 45 school day timeframe. At the IEP meeting, the IEP is reviewed, the student's progress is reviewed, needs for supports to transition are determined, and the IEP is revised if needed. The IEP team can make the decision to extend placement in the IAES if both the parent(s) or adult student and the school district agree that this setting would continue to provide benefit to the student.

7. Appeal and expedited hearings

a. An expedited hearing may be requested by:

- The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
- The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others

c. 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.

d. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

c. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a

federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

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

Upon receipt of a request for an expediated due process hearing, the Executive Director of ESE/Student Services or designee contacts the parent(s) and other personnel deemed relative to the proceedings to schedule a resolution meeting within 7 days of the request. A date, time, and location mutually agreed upon by the parent(s) and Executive Director of ESE/Student Services or designee provides notice in writing to the parent(s) of the resolution meeting. If the matter is resolved to the satisfaction of both parent(s) and school district, the resolution is documented in writing at the meeting and notice is sent to the DOE by the party that filed for the expedited hearing informing that the due process will not go forward as the matter has been resolved. The due process will proceed if the matter is not resolved within 15 days of the request for the due process hearing. If an expedited hearing is requested by the parents or district, notification will be sent to the Division of Administrative Hearings (DOAH).

8. Authority of an Administrative Law Judge
   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

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

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

4. 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:

      - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or

      - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

      - The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

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

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

e. Conditions that apply if no basis of knowledge

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

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

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

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

Ensuring special education and disciplinary records of students with disabilities are transmitted as required for consideration of the person making the final determination regarding the disciplinary action, the Principal, in most cases, makes the recommendation of 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 to only appropriate individuals.

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

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Section E: Participation in State and District Assessments

Statutory and Regulatory Citations

34 CFR §§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 student assessment program provides information about student mastery of grade-level state standards and informs parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide, standardized assessment program and any 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. Students who are identified solely as gifted are not eligible for statewide, standardized assessment accommodations.

5. Allowable accommodations
   Allowable and appropriate accommodations for statewide, standardized assessments are included in the test administration manual. Copies of current statewide, standardized assessment test administration manuals published by the FDOE's Bureau of Assessment and School Performance and Bureau of Exceptional Education and Student Services are available by contacting the FDOE at http://www.fldoe.org/asp.

6. 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. "Statewide, standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The Commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is

mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program, which lead to results that reflect the student's impaired sensory, manual, or speaking skills, rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(11), 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.

e. "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.

6. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

7. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

a. A written description of the student's disabilities, including a specific description of the student's impaired

sensory, manual, or speaking skills.

b. Written documentation of the most recent evaluation data.

c. Written documentation, if available, of the most recent administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment.

d. A written description of the condition's effect on the student's participation in the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment.

e. Written evidence that the student has had the opportunity to learn the skills being tested.

f. Written evidence that the student has been provided appropriate instructional accommodations.

g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP 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.

i. The name, address, and phone number of the student's parent.

8. 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.

9. 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, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the Department has the burden of proof.

Exemption for a Child With Medical Complexity

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

1. Child with a medical complexity

   a. Definition *of child with medical complexity.*A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, 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.

   b. *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.

i. 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 FSAA 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:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level, and the specific statewide, standardized assessments from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner as described in s. 1008.22(11), 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:

a. The student's name, grade level, and the statewide, standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of a child with medical complexity as defined in s.1008.22(11), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or 459, F.S.

iii. 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 the most significant cognitive disabilities, for whom the statewide, standardized assessment— even with allowable accommodations—is not appropriate, may be eligible to participate in the statewide assessment program through the AA-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)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the FSAA program, in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials, the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and

science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. Eligibility areas excluded
   Per Rule 6A-6.03018, F.A.C., and 34 CFR §300.8(c)(10)(ii), students with a primary exceptionality of a specific learning disability (SLD) cannot include students with learning problems that are primarily the result of an intellectual disability. Per section 1008.22, Florida Statutes, and Rule 6A-1.0943 F.A.C., only students with significant cognitive impairment are eligible to participate in the FSAA program. Therefore, students with a primary disability category of SLD must not participate in the FSAA program and subsequently should not be enrolled in access courses that align to the FSAA program.

4. 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 will contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The "Checklist for Course and Assessment Participation" may be accessed at https://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.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.

Additional Information Required:

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

The district administers district-wide assessment(s) of student achievement.

- (●) Yes
- ( ) No

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

District Developed Unit Assessments 2nd through 12th grade. Electronic scoring and collected in Unify. District Developed Unit Assessments 1st grade are optional. The district uses a portfolio for 3rd grade only. The 8 assessments are taken from CPalms and the students need to earn an a combined average of 70% or higher. The assessments are computerized and scored immediately at the completion of the assessment. Alternate Assessments: Grades 2-12 Brigance Inventory of Early Learning Development/Brigance Inventory of Basic Skills (as appropriate to the individual needs of the student) Grades 2-12 Assessment of Basic Language and Learning Skills (students identified as ASD)

Parental Consent Documentation

In accordance with Rule 6A-6.0331(10), F.A.C., the 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 district

documents reasonable efforts to obtain parental consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

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

- (●) 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 CFR §200.6(c)(3)(ii) and (iv) require that a school district submit information justifying the need to assess more than 1 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 districts have unique circumstances that may contribute to a higher number of students who are in access courses and participating in the FSAA program. The purpose of this justification is to ensure that 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 district's 2018–19 participation percentage in FSAA in the following areas?

Reading

1.5

Mathematics

1.6

Science

1.7

Is the district over 1% in any area?

- (●) Yes
- ( ) No

The criteria for the following statement is outlined in s. 1008.22(3)(c), F.S., and the Assessment Planning Resource Guide for IEP Teams, which can be found at https://fsaa-training.onlinehelp.cognia.org/wp-content/uploads/sites/8/docs/FlaAlt_ResourceGuideIEP.pdf, for use in determining student eligibility for participation in the FSAA program.

If the district is over the 1% in any area, please provide a description of how the district is ensuring that IEP teams are adhering to the criteria (see above.)

Yes, the district is over in each assessment area. We have completed a self-assessment/review of each students IEP and evaluation in regards to students placed on access points curriculum and FSAA. We have initiated training for all ESE School based specialists. We are also requiring that the District Program Specialist for Autism Spectrum Disorder and Intellectual Disability attend eligibility meetings or meetings in regard to possible placement on access points/FSAA.

Provide a justification, with supporting evidence, that identifies specific programs or circumstances within the district that may contribute to higher enrollment of students in access courses and an exceeding of the 1% (e.g., center schools serving surrounding districts).

Due to no Statewide Testing in 2020 the following is the most up to date information from 2019. FSAA Data for 2018-2019: Number of students by race: Asian 12, Black 199, Hispanic 114, Mixed 23 and White 136. Number of students by disability: Orthopedic Impaired 2, Hospitalized or Homebound 7, Language Impaired 4, Duel Sensory Impairment 3, Deaf or Hard of Hearing 3, Autism Spectrum Disorder 181, Emotional or Behavioral Disability 1, Traumatic Brain Injury 1, Specific Learning Disability 2, Other Health Impaired 11, Intellectual Disability 269. The school district has a high number of ASD and InD students in grades 3-12 in access courses. There are also 34 students from the remainder of the disability categories that are identified as FSAA participants. Mandatory record reviews for any student identified as Language Impaired (4), Specific Learning Disability (2), Orthopedically Impaired (2), Traumatic Brain Injury (1), Other Health Impaired (11), Emotional Behavioral (1) and on Hospital Homebound (7) were conducted. Re-evaluations or justifications were required for each of the 34 students. In school year 18-19 we had a total of 192 students in grades 3-12 identified as students with an autism spectrum disorder and 181 of those identified as a student with ASD, participated in FSAA. We also had an increase from 17-18 to 18-19 school year of 39 students being identified as a student with ASD in 3rd through 12th grade. School factors that may lead to families being attracted to St. Lucie County is many of our programs for students with significant cognitive impairments identified as InD or ASD are placed on K-8 campuses. For students in high schools we boast a nationally recognized program called Student Perks as well as our internationally recognized program Project Search (for students ages 18-22 and nearing job readiness) in which we partner with one of our local hospitals and other community resources such as Vocational Rehab. Some contributing factors that may have led to the increase of students in St. Lucie County participating in FSAA from the Florida Department of Law Enforcement are: population increase of 2.3% and the crime rate fell in 2018 by 9%. St. Lucie County has also had a 6.7% increase in home purchases from 2018 to 2019. According to Best Places, the overall cost of living is below the state average and the median cost of a home is $218,500 compared to Palm Beach County at $274,000 and Martin County at $278,600. Having easy access to both the Florida Turnpike and I-95 corridors makes St. Lucie County accessible for commuters.

In the text box below, please provide a narrative response describing the district's self-assessment of disproportionality in each content area for each subgroup testing using the FSAA within the district. Please describe the method used to assess the district's proportionality for FSAA testing and the district's plan to address any area of identified disproportionality.

Due to no Statewide Testing in 2020 below is the most up to date information from 2019. The district completed a review of each student's IEP and evaluation for all students participating in FSAA. IEP teams met to discuss re-evaluation of the students if IQ scores were above 70. If scores were above 70, the team was required to write a justification for the student to remain on FSAA/Access Points based on the whole child including how the disability of the child impacts their learning. The justification could include but not limited to: IQ assessments, adaptive assessments, language assessments, testing history, teacher observations, and parental input. Math: Male - 251 Female - 132 Number of Students by Race LEP - 12 Asian - 12 FRL - 262 Black - 199 Hispanic - 114 Science: Male - 114 Female - 52 Mixed - 23 LEP - 6 White - 136 FRL - 119 ELA: Male - 240 Female - 129 LEP - 13 FRL - 253 The Problem Solving Teams (PST) will work collaboratively with the ESE School based specialists to monitor students' progress prior to evaluation. The team will review different interventions that the student has had in place and review progress monitoring data every 4 weeks for students in low Socially Economic Status and male students . Students being considered for Autism Spectrum Disorder (ASD) must have an IQ of under 70 or the IEP Team will be required to write a justification based on data collected over an extended period of time in order for the student to participate in FSAA. The Program Specialist for ASD must review all data and participate in the meeting when determining course codes and FSA/FSAA decisions. Intellectual Disability identification will be closely monitored by the Program Specialist. The PST at each school will contact the program specialist for Intellectual Disability (InD) to attend the meeting when a comprehensive evaluation for a student will be considered. The program specialist will review interventions and data collected. The program specialist must be invited to the eligibility meeting at the conclusion of the evaluation. When an IEP team is determining course codes and/or FSA/FSAA the program specialist for InD must participate in the meeting. All placement decisions of where the students will receive instruction most follow the continuum of services and data must be collected for future decisions regarding course codes, FSA/FSAA and LRE (Least Restrictive Environment). Parental input must be taken into consideration regarding course code, FSA/FSAA and LRE. Parents must sign that they are in agreement of access points curriculum and FSAA participation.

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

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

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

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

Early Steps serves children birth to three. Once a child turns three, services with Early Steps end. The purpose of transition to the school board is to ensure that children who are eligible for services do not incur a lapse in those services. Step One- The Family Services Coordinator with Early Steps will arrange a brief transition meeting with the school district representative and family. This meeting is generally held 90 days before the child turns three years old. At this meeting, the school district representative will review the transition process, describe the evaluation session and the Pre-K programs offered by the school district, and answer any questions. This meeting generally lasts about 30 minutes and may be held at the Early Steps office, the school district office, the CMS office, or the child's home. Step Two- Parents will be invited to bring the child into the school district office for an evaluation. At this evaluation, the parent will be asked to sign consent. The consent form gives the prek team consent to conduct any testing relevant to the eligibility determination for the child. Generally, the testing includes developmental/intellectual testing and speech/language testing. Other testing may include occupational therapy evaluations, physical therapy evaluations, vision/hearing, and functional behavior assessments. This evaluation usually lasts 1 1/2 to 2 hours. Step Three- The parent will be invited back to the school district office two to three weeks following the child's evaluation. At this meeting, the evaluation team will review the results of the child's evaluation and review the results of evaluations from Early Steps to assist with the determination of Part B eligibility for any ESE programs, and, if the child is eligible for an ESE program, an individual education plan will be developed. School contact and registration information will also be shared. This meeting usually lasts 1 1/2 to 2 hours and must be held on or before the child's 3rd birthday. If the child is found eligible for an ESE program, the details of that program will be discussed. Registration will take place afterwards at the school the child will be attending (for therapy or for a classroom). The parent will be required to furnish the school a copy of the child's birth certificate, physical and immunization forms, and proof of address. School assignment will be based primarily upon the child's home address within one of the district's zones or the address of the daycare/preschool from which the child will be bussed within one of the district's zones.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and

respecting their unique abilities, strengths, and needs.

b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

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

2. Curriculum

a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

- For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
- The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
- For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

d. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and

related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

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

- ○ 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 for Students with Disabilities Ages Birth through Five Years

Students with Disabilities Ages Birth through 2 Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21 and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through 2 years (below 36 months), related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through 2 years.

Procedures

1. Content of an IFSP
   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or the special education and related services necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified on the IFSP, including:

      i. Frequency, intensity and method of delivering services;

      ii. Location of the services;

      iii. Length of the services;

      iv. Funding source or payment arrangements, if any;

      v. Anticipated duration of these services;

      vi. Other services;

      vii. Projected dates for initiation of services for children birth through 2, which must be as soon as possible but within thirty (30) calendar days of the date the parent consents to the service, and the anticipated duration of these services;

      viii. 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), or other services that may be available. The steps required for transition shall include:

a. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

c. Notification information to the school district for the purpose of child find;

d. 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,

e. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

e. A statement of the natural environments in which early intervention services, or special education and related services, are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

f. A statement of the strategies needed in order to meet the child's and family's outcomes;

g. The 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 early intervention or special education and related services identified in the IFSP, including transition services 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 the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or appoint a new service coordinator;

h. Family demographic and contact information;

i. A statement of eligibility, including recommendations for children not found eligible;

j. A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;

k. Identification of the most appropriate IFSP team member to serve as the primary service provider;

l. 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; and,

m. For children ages birth through 2 years:

i. Identification of 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, 34 CFR §303.344(e); and,

ii. A description of the steps the service coordinator or family will take to assist the child and family in securing additional supports not currently being provided.

2. Timelines for IFSPs for children with disabilities ages birth through 2 years. These timelines shall include the following:

a. For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP must be conducted within forty-five (45) days from referral;

b. A review of the IFSP for a child and the child's family must be conducted every 6 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. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made;
- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting must be conducted on at least an annual basis by the IFSP team to re-determine eligibility and review the IFSP for a child and the child's family, and to revise, change or modify its provisions and assess the continuation of the outcomes, strategies and recommended services, as needed. The results of any current evaluations, and other information available from ongoing assessments of the child and family, must be considered at the annual review of the IFSP to determine continuing eligibility and the early intervention services that are needed and will be provided.

d. IFSP meetings must be conducted:

i. In settings and at times that are convenient to families;

ii. 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 must be made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend;

f. The contents of the IFSP must be fully explained to the parent(s) and informed written consent from the parent(s) must be obtained prior to the provisions of early intervention services described in the plan. If the parent(s) does not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.

3. The IFSP must:

a. Family demographic and contact information;

b. The frequency, intensity, and method of delivery of the early intervention services;

c. The location and length of the early intervention services;

d. Funding source or payment arrangements, if any;

e. Anticipated duration of the services;

f. Other services to the extent appropriate;

g. A statement of eligibility, including recommendations for children not found eligible;

h. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

i. Identification of the most appropriate IFSP team member to serve as the primary service provider;

j. 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;

k. Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C;

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;

l. 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;

4. Participants in IFSP meetings (ages birth through 2 years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities age birth through 2 years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or individual outside of the family, if the parent(s) 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;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

g. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

i. Participating in a telephone or video conference call;

ii. Having a knowledgeable authorized representative attend the meeting; or

iii. Making pertinent records available at the meeting.

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

a. Parental consent is obtained;

b. An interim IFSP is developed that includes:

i. The name of the service coordinator who will be responsible for implementation of the interim IFSP and coordination with other agencies and individuals;

ii. The early intervention services that have been determined to be needed immediately by the child and the child's family;

iii. Signatures of those who developed the IFSP.

c. The evaluation and assessments are completed within 45 calendar days from referral.

6. Financial responsibility. For children ages birth through two years, the school district shall only be responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages 3-5 Years

Statutory and Regulatory Citations

34 CFR §§300.323 and 303.340
Sections 1003.03, 1003.21 and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through 2 years or special education and related services to children with disabilities ages 3-5 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 IEP. Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP
   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or the special education and related services necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

      i. Frequency, intensity and method of delivering services;

      ii. Location of the services;

      iii. Length of the services;

      iv. Funding source or payment arrangements, if any;

      v. Anticipated duration of these services;

      vi. Other services;

   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; 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 3-5 years, or other services that may be available. The steps required for transition shall include:

- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

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

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

3. Participants in IFSP meetings for children with disabilities (ages 3-5 years) include:

a. The parent(s);

b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;

c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student;

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b.-d. of this subsection;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

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

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

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

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

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

   d. Paragraphs a.-c. of this subsection 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 3-5 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
    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
4. 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
    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
5. 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.

4. Curriculum

    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.

    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.

    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.

    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.

    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

6. Instructional support

    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.

    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.

    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.

    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.

    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.

    f. No student may be given special instruction for students who are gifted until after he or she has been

properly evaluated and found eligible for gifted services.

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

- ○ 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 for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted. **Note:** Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

    a. The EP includes:

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

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

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

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

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

    e. EP participants include:

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

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

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

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iv. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

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

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

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

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

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

Procedures

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

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

   a. Activities
      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

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

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

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

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

4. Provision of services for parentally-placed private school students with disabilities – basic requirement
   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA

by providing them with special education and related services, including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§300.190 through 300.198.

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

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

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

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

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

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

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

with disabilities in the next fiscal year.

8. Supplement, not supplant
   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

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

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

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

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

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

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

b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

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

14. Equitable services provided

a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

c. The school district is not required to provide transportation from the student's home to the private school.

d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this

section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

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

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

19. Use of personnel

a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

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

21. Property, equipment, and supplies

a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43 1002.66 and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:

    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued

    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:

        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

    Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.

2. A student is not eligible for a John M. McKay Scholarship while:

    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;

    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.
   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.

10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.

11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.

13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.

14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - 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;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.

- "Eligible" to receive a Gardiner Scholarship means that the student:
  - Is a resident of this state;
  - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
  - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
  - Has a disability as defined above.
- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) 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.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) 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.

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

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

Current Status

Provide the following data:

Total Student Population

Total Number of Students

45,389

Total Number of Gifted Students

1,007

Percent of All Gifted Students

2.2%

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

Number of LEP Students

4,248

Number of LEP Gifted Students

9

Percent of LEP Gifted Students

.21%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

.89%

*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

22,973

Number of Low SES Gifted Students

365

Percent of Low SES Gifted Students

1.58%

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

36.24%

*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

District Goal

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

The goal of St. Lucie Public Schools is to increase the percentage of students from the under-represented groups of low socio-economic and Limited English Proficient (LEP) by at least 1% in the gifted program. All schools will use i-Ready, district assessments and student grades to identify students that may potentially meet gifted criteria. To meet the needs of students in under-represented groups, program modifications and accommodations will include differentiation of instruction, availability of participation in resource or full-time programs, behavioral interventions and social skills instruction. The district will evaluate progress toward meeting this goal on an annual basis. The district ESE department will review data to include FSA scores, i-Ready scores and district assessments to identify possible ELL and low SES students for the gifted program. The district will use the Naglieri Nonverbal Ability Test (NNAT3) to screen students identified as LEP in mid -1st grade to 2nd grade as an additional data source for potential referral for evaluation. The number of referrals made from each school will be monitored for the number of students identified as LEP and low SES and determined eligible for gifted education. Progress will be monitored every month toward reaching the goal of increasing the population of students in gifted education from both under-represented groups.

1. **Screening and Referral Procedures**
    - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
    - A description of the evaluation procedures and measurement instruments that will be used
2. **Eligibility Criteria**
    - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
2. **Instructional Program Modifications or Adaptations**
    - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from underrepresented groups in the existing instructional program for students who are gifted
2. **District Evaluation Plan**
    - A description of the district's plan used to evaluate its progress toward increasing participation by students

from underrepresented groups in the program for students who are gifted

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

Select from the following:

- [x] The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.
- [x] The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

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

- [x] This section is not applicable for the district.

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

Describe the exceptional education services available within the lab school:

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

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

- [x] The district's completed BPIE Indicator Rating Tally Sheet is attached.
- [x] The district's plan to address the prioritized BPIE Indicators is attached.

Appendix G: District Procedures During a Declared State of Emergency

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

The ESE Department worked in collaboration with the Office of Teaching and Learning to create a continuity plan which included all students. Students identified as ESE and receiving instruction in the general education setting continued with the same instructional path as their non-disabled peers. For students receiving instruction in resource classes or self-contained classes on general education course codes they continued their instruction via Canvas, TEAMS and/or Edgenuity. Students in self-contained classes and on access points curriculum continued to receive instruction via Unique Learning System, CANVAS, and TEAMS. Any student with a disability that may have required packets of work and/or other accommodations were done as an on needed basis. OT, PT, Speech, Language, Adaptive PE and Vision Services were also provided via CANVAS and TEAMS. Support Facilitators and Interpreters joined classroom teachers via TEAMS. Support Facilitators may also have provided small group lessons via TEAMS or provided activities via CANVAS. All families were provided a digital device if needed.