FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Volusia

EXCEPTIONAL STUDENT EDUCATION
POLICIES AND PROCEDURES (P&P)

EFFECTIVE DATE:

2023-2024 through 2025-2026

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

Title 34, Code of Federal Regulations (C.F.R.) §§ 300.201 and 300.641
Sections 1002.22, 1003.57, 1003.571, 1003.573, 1003.574 and 1012.582, Florida Statutes (F.S.)
Rules 6A-6.03411 and 69A-58.0084, Florida Administrative Code (F.A.C.)

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

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

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

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

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

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

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

Seclusion

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

Restraint

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

Crisis Intervention Plans

1. A team comprised of the student's parent or guardian, school personnel, and applicable physical and behavioral health professionals must develop a crisis intervention plan upon the second time that the student is restrained within a semester.
2. The crisis intervention plan must include:

   a. Specific PBIS to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;

   b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and
   c. A timetable for the review and, if necessary, revision of the crisis intervention plan.
3. The school district must provide a copy of the crisis intervention plan to the student’s parent or guardian.

School District Policies and Procedures

1. Each school district shall adopt PBIS and identify all school personnel authorized to use the interventions and supports. Each school district shall develop policies and procedures that are consistent with this section and that govern the following:

   a. Incident-reporting procedures;

   b. Data collection and monitoring, including when, where and why students are restrained and the frequency of occurrences of such restraint;

   c. Monitoring and reporting of data collected;

   d. Training programs and procedures relating to restraint;

   e. The school district’s plan for selecting personnel to be trained;

   f. The school district’s plan for reducing the use of restraint, particularly in settings in which it occurs frequently or with students who are restrained repeatedly, must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal—activities may include, but are not limited to:

i. Additional training in PBIS,

ii. Parental involvement,

iii. Data review,

iv. Updates of students' functional behavioral assessments and positive behavior intervention plans,

v. Additional student evaluations,

vi. Debriefing with staff,

vii. Use of schoolwide positive behavior support,

viii. Changes to the school environment,

ix. Analysis of data to determine trends and

x. Ongoing reduction of the use of restraint.

2. Any revisions a school district makes to the policies and procedures pursuant to this section must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within 90 days after the revision.

3. At the beginning of each school year, each school district shall publicly post its policies and procedures on PBIS as adopted by the school district. (See Appendix D.)

Training

1. Each school district shall provide training to all school personnel authorized to use PBIS pursuant to school district policy.

2. Training shall be provided annually and must include:

   a. The use of PBIS;

   b. Risk assessment procedures to identify when restraint may be used;

   c. Examples of when PBIS techniques have failed to reduce the imminent risk of serious injury;

   d. Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team;

   e. Instruction in the school district's documentation and reporting requirements;

   f. Procedures to identify and deal with possible medical emergencies arising during the use of restraint; and

   g. Cardiopulmonary resuscitation.

3. Each school district shall publish the procedures for the required training in the school district's policies and procedures manual.

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

Documentation and Incident Reporting

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

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

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

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

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

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

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

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

The principal or designee will be responsible for preparing the written notice. It is provided to the parent on the day of the incident electronically, in person, if the parent comes to the school, or via other methods necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All charter schools are monitored by the district in the same manner as other district schools. The same requirements for notification, reporting, and documentation apply to monitoring of these schools. Documentation samples of all steps of notification, reporting, and obtaining receipt of parent acknowledgement are obtained periodically and reviewed by district staff using the FLDOE Compliance Self-Assessment Protocol for Restraint. (This is conducted in addition to the FLDOE Self-Assessment process.) District staff conducts follow up with schools/facilities regarding any deficiencies. DJJ facilities utilize a state approved crisis management curriculum and monitor their own restraint incidences through the DJJ informational system.

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

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

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

Specify members responsible for developing the crisis intervention plan.

Behavior team meeting members who are responsible for developing the crisis intervention plan must include parent/guardian, school personnel and applicable physical and behavioral health professionals.

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

When a student in Volusia County Schools needs a crisis intervention plan, due to the number of restraints in a semester or the behavior team sees a need for a plan due to crisis behaviors, a behavior team meeting is scheduled. The meeting would include parent/guardian, school personnel and applicable physical and behavioral health professionals. If parent is in attendance at the meeting, a copy would be provided at that time. If the parent is not in attendance, a copy of the crisis intervention plan will be provided to the parent via e-mail, USPS, or hand-delivered within 10 days.

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

If a student is physically restrained two times in a semester, in a Volusia County School, a team must meet to develop an Individualized Crisis Plan. Meeting members must include parent/guardian, school personnel and applicable physical and behavioral health professionals. The plan must include a timetable for the review and, if necessary, revision of the crisis intervention plan. DJJ monitors their own restraint incidences through the DJJ informational system.

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

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

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

> Data is collected and reported at the school level by the principal or designee as incidents occur. At the district level a committee with representative membership meets on a monthly basis to review restraint data and incidents from across the district .

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

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

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

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

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

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

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

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

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

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

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

The form for the parent's signed acknowledgement is provided to the parent with the "Restraint Incident Report." When returned, this acknowledgement is filed in the student's ESE audit file. If the signed acknowledgement is not received within five days, the principal or designee will contact the parent to request its return. This contact will be documented in the student's ESE audit file. If the parent still does not return the signed acknowledgement, the process is repeated at least one more time. If services are provided at an alternate school or facility described on page 4, question 1, that school or agency will be responsible for ensuring the documentation of any incident of restraint and/or seclusion and its reporting to the student's parent in accordance with the time lines above.

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

At the district level, a district monitoring committee appointed by the director of ESE and Student Services regularly monitors variables and trends related to the use of restraint across schools, programs, and classrooms. The monitoring committee develops and implements a plan of training and/or support for identified schools, classrooms, and/or programs. Monitoring also occurs at the classroom and school building levels. At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Additionally, the principal and/or designee(s) monitor incidents of restraint monthly to identify problems analyze trends, plan needed supports, and monitor/revise supports when necessary. Data reports provided by the district and other information available at the school when needed are used for this purpose. Information from the Department's web-based reporting system is also continually available to school administrators for monitoring. At the classroom level, incidents are monitored on an ongoing basis. Classroom staff, with assistance from other school and/or district support staff when appropriate, reviews incident reports which are available in the student's ESE audit folder.

Describe how information about restraint data is:

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

At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Monthly reports are sent from the district office with each schools restraint data.

The principal and/or designee(s) monitor incidents of restraint monthly to identify problems, analyze trends, plan needed supports, and monitor/revise supports when necessary. Data reports provided by the district and other information available at the school are used for this purpose. Information from the Involuntary Examinations and Restraint and Seclusion web-based reporting system is also continually available to school administrators for monitoring.

At the school building level, the principal or designee reviews each incident report to monitor compliance with district policy and state requirements. Monthly reports are sent from the district office with each schools restraint data.

The principal and/or designee(s) monitor incidents of restraint monthly to identify problems, analyze trends, plan needed supports, and monitor/revise supports when necessary. Data reports provided by the district and other information available at the school are used for this purpose. Information from the Involuntary Examinations and Restraint and Seclusion web-based reporting system is also continually available to school administrators for monitoring.

Physical Restraint and Protective Emergency / Crisis Procedures

An emergency is any condition or situation that poses an immediate and significant threat to the physical safety of the student and/or others. The behavior that is the cause of an emergency is one for which:

* an individual behavioral intervention plan has not been developed ***or***

* the individual behavioral intervention plan has been developed and is not effective at the time the student manifests the behavior.

Emergency interventions may not be used as a substitute for an individual behavioral intervention plan. Such interventions should only be used in emergency situations when an immediate and significant threat to the physical safety of the student and/or others exists. Manual physical restraint should only be used for the period of time needed to contain the behavior of concern and eliminate the threat of harm to self and/or others.

In response to emergency situations:

1. Restraint may *only* be used in emergency situations that cannot be immediately and effectively prevented or stopped by less restrictive interventions. This need is determined to exist when other less restrictive interventions have proven to be, or in the reasonable judgment of trained staff will be, less effective in containing the behavior.

2. Restraint may not be used as punishment. The purpose of emergency interventions is to *protect* the student and/or others from harm.

3. Following any instance when restraint is used, the student should be checked to ensure he or she has not been injured.

4. Training in district-approved crisis management techniques is required for staff who will be implementing physical crisis intervention procedures. In the instance when trained staff is not present during an emergency, staff should use the school's crisis/security plan to immediately report the emergency and access trained staff to respond to the situation. If staff members who have not received training are confronted with an emergency situation that poses an immediate and significant threat to the physical safety of a student or others, staff should be guided by Florida Statutes and rules in the Florida Administrative Code regarding the use of reasonable force to maintain a safe and orderly learning environment.

5. When restraint or any other physical crisis procedure is used to intervene in an emergency situation, a *Report of Use of Manual Physical Restraint (Form #200194)*form must be completed and submitted to the school-based administrator by the end of the day of the emergency. A phone notice to the parents must be attempted on the day of the incident and a record of this contact should be documented on the form. One copy should be placed in the student's work folder maintained by the classroom teacher. A second copy should be placed in the student's discipline folder maintained at the school.

6. The need for crisis intervention strategies should be documented in the student's IEP and identified through a crisis plan. If the use of crisis intervention strategies was not anticipated and an emergency which requires physical crisis intervention procedures has occurred, the IEP committee should be convened to document the potential need for crisis management and to consider the need to conduct a functional behavioral assessment to develop an individual behavioral intervention plan. Student guardian should have meaningful parent participation in this process.

7. An individual BIP developed from an FBA *must* be developed for any SWD who required the use of physical crisis intervention procedures two times within twentyschool days. If a student already has a BIP, it must be reviewed by the school-based team within 5 school days following the restraining to determine the need for any further assessment and/or revisions to interventions and supports included in the BIP. The team must develop a crisis intervention plan within 5 school days following the restraint for any student who already has a BIP, but was restrained two times within twenty days. For students with physical or behavioral health concerns that limit the use of restraint, the team must identify alternative strategies in the crisis plan. Parent/guardian should be invited to participate and be provided with a copy of the updated BIP and crisis plan.

8. Locking rooms, boxes, or other structures from which a student could not readily exit may not be used for crisis management.

9. Medical or therapeutic equipment and/or devices (i.e. standers, side-lying equipment, specialized chairs, specialized strollers, etc.) may not be used for crisis management. Such equipment may only be used to promote normal body positioning and/or physical functioning or to prevent injury to self or others by controlling a student's *involuntary* movement or lack of muscle control that is due to *organic* causes. An appropriate professional, such as a physical therapist, occupational therapist, or medical doctor, must identify the equipment or devices to be used for this purpose.

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

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

Nonviolent Crisis Intervention (NCI), from the Crisis Prevention Institute, Inc. (CPI) is the district-approved training for staff in the area of crisis intervention, which includes the use of restraint as well as the use of prevention and de-escalation techniques.

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

District staff members, certified as trainers by CPI, provide initial training as well as annual refresher trainings. Initial trainings are provided through face-to-face sessions. Refresher trainings are required annually and are offered through face-to-face sessions.

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

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

Training records are maintained by the district's ESE Department as well as the Professional Development department. In addition, a separate database of trained staff is maintained by the District ESE department. Participants who successfully complete initial and annual refresher training are provided CPI certification cards from the District.

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

- ○ Yes
- ◉ No

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

All charter schools permit the use of restraint use the district's crisis management program, Crisis Prevention Institute's Non-violent Crisis Intervention (CPI/NCI). The exception is the PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion. DJJ facilities utilize a state approved crisis management curriculum and monitor their own restraint incidences through the DJJ informational system.

PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion. DJJ facilities utilize a state approved crisis management curriculum and monitor their own restraint incidences through the DJJ informational system.

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

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

Nonviolent Crisis Intervention (NCI), from the Crisis Prevention Institute, Inc. (CPI) is the district-approved training for staff in the area of crisis intervention, which includes the use of restraint as well as the use of prevention and de-escalation techniques.

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

District staff members, certified as trainers by CPI, provide initial training as well as annual refresher trainings. Initial trainings are provided through face-to-face sessions. Refresher trainings are required annually and are offered through face-to-face sessions.

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

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

Training records are maintained by the district's ESE Department as well as the Professional Development department. In addition, a separate database of trained staff is maintained by the District ESE department. Participants who successfully complete initial and annual refresher training are provided CPI certification cards from the District.

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

- ○ Yes
- ◉ No

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

All charter schools permit the use of restraint use the district's crisis management program, Crisis Prevention Institute's Non-violent Crisis Intervention (CPI/NCI). The exception is the PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion. PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion. DJJ facilities utilize a state approved crisis management curriculum and monitor their own restraint incidences through the DJJ informational system.

PACE Center for Girls which has a policy prohibiting the use of restraint or seclusion. DJJ facilities utilize a state approved crisis management curriculum and monitor their own restraint incidences through the DJJ informational system.

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

Does the school district prohibit the use of restraint?

- ○ Yes
- ◉ No

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

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

> After a review of the data, Volusia County Schools will strive to decrease restraints by 2% for the 2024-2025 school year. The district will continue to identify and implement systemic interventions in schools with high incidents of restraint as well as introduce more proactive strategies that the teachers, administration, and behavior specialists can collaboratively implement.

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

    a. Additional training in positive behavior interventions and support and crisis management;

    b. Parental involvement;

    c. Data review;

    d. Updates of students' functional behavioral assessments (FBAs) and positive behavior intervention plans (PBIPs);

    e. Additional student evaluations;

    f. Debriefing with staff;

    g. Use of schoolwide positive behavior support;

    h. Changes to the school environment;

    i. Analysis of data to determine trends; and

    j. Ongoing reduction of the use of restraint.

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

> 402 restraints

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

By Year/ Month	August	September	October	November	December	January	February	March	April	May	June	July
SY2022	26	80	124	161	189	217	268	316	361	395	396	399
SY2023	17	68	118	153	179	213	258	297	358	395	397	402
%	-35%	-15%	-5%	-5%	-5%	-2%	-4%	-6%	-1%	0%	0%	1%

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

57 students were restrained 2 or more times within the semester.

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

2 students were restrained 15 or more times.

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

- ○ Yes
- ◉ No

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

Our district trains staff in the use of Non-Violent Crisis Intervention. In this training it is stressed that at no time should prone restraint be used. Administration at the school level is also communicated with regarding the use of restraints and that prone restraint should not be used with students. Volusia County had two prone restraints in the 2022-2023 school year. We require all staff in low-incidence programs and staff that work with students prone to disruptive behavior to be trained in NCI. Our Instructional Specialist that oversees restraint and seclusion monitors all reported restraints daily. She and her team travel to sites and offer classroom support to any school that is showing an increase in the use of restraints or that are in need of behavioral interventions that may aide in the reduction of inappropriate student behavior. It is communicated with the staff that the use of prone restraint is not allowed and should never be used when restraining a student.

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

- ○ Yes
- ◉ No

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

Our District does not allow mechanical restraint. We have had no recorded mechanical restraints performed by school district personnel. The mechanical restraints that are recorded are performed by police officers

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

The District Restraint Monitoring Committee reviewed the restraint data from the Involuntary Examinations and Restraint and Seclusion (IERS) to include exceptionality, race, ethnicity and type of restraint.

Row Labels	Count of EXCEPTIONALITY
504	4
ASD	95
Developmentally Delayed	36
E/BD	151
Intellectual Disability	12
Language Impairment	3
Other Health Impairment	65
Specific Learning Disability	35
Speech Impairment	1
Grand Total	**402**

Row Labels	Count of RACE
Asian	4
Black/ African American	129
Mixed	38
White	231
Grand Total	**402**

Row Labels	Count of ETHNICITY
Hispanic/Latino origin	108
not Hispanic/Latino origin	294
Grand Total	**402**

Row Labels	Count of typeRestraint
Immobilization while in trans	13
Mechanical	49
Prone (lying face down)	2
Seated	79
Standing	256
Supine (lying face up)	3
Grand Total	**402**

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

After a review of the data, the District Restraint Monitoring Committee was able to identify schools, classrooms, and students that had high incidents of restraints. Follow up meetings were scheduled to review data with school teams and additional interventions were identified to support specific students.

3. The crisis intervention plan must include:

    a. Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury;

    b. Known physical and behavioral health concerns that will limit the use of restraint for the student; and

    c. A timetable for the review and, if necessary, revision of the crisis intervention plan.

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

If a student is physically restrained two times in a semester, in a Volusia County School, a team must meet to develop an Individualized Crisis Plan. The plan must include a timetable for the review. After every two restraints within a semester, review and revision(if needed) of the crisis intervention plan is necessary.

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

    a. Implement student-specific strategies, such as reviewing individual educational plans and Section 504 plans, conducting evaluations or reevaluations and FBAs, and evaluating the effectiveness of PBIPs and health care

plans specific to individual students' responses and progress;

b. Implement school district and school strategies for increasing parental involvement;

c. Introduce or strengthen multi-tiered system of supports, which could include schoolwide positive behavioral support;

d. Provide additional professional development training in positive behavioral support and crisis management; and

e. Engage in problem solving with school administrators to make data-driven decisions regarding school environments.

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

- Provide additional professional development training in positive behavioral support, de-escalation techniques and crisis management • Problem-solve with school administrators to make data-driven decisions regarding school environments and student needs • Meet monthly with key stakeholders (District Restraint Monitoring Committee) to monitor and review data as well as plan for school-based support/intervention • Develop individual crisis plans for identified students • Include Program Specialists and classroom teachers in problem solving for individual students • Implement Social Emotional Program in all SC E/BD classrooms, K-12 • Provide training for School Social Workers, School Psychologists and Elementary School Counselors in Social Emotional Learning Programs • Provide training to School Psychologists on disability awareness and strategies for intervention • Provide Counseling as a Related Service (CARS) in all SC E/BD classrooms • Conduct Behavior Team meetings for students who had 2 restraints in 20 school days • Conduct classroom walk-throughs utilizing the SC E/BD Coaching tool and Social Emotional Learning surveys

- Resources include: • SEDNET • CARD • Non-Violent Crisis Intervention • PBIS •Life Skills Programs • Project 10

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

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

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

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

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

2. The school district's plan for eliminating the use of seclusion must include activities, skills and resources needed to achieve that goal. Charter schools, Department of Juvenile Justice facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:

    a. Additional training in positive behavioral support and crisis management;

    b. Parental involvement;

    c. Data review;

    d. Updates of students' functional behavioral assessments (FBAs) and positive behavior intervention plans (PBIPs);

    e. Additional student evaluations;

    f. Debriefing with staff;

    g. Use of schoolwide positive behavior support; and

    h. Changes to the school environment.

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

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

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

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

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

    a. Implement student-specific strategies, such as reviewing individual educational plans and Section 504 plans, conducting evaluations or reevaluations and FBAs, and evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress;

    b. Implement school district and school strategies for increasing parental involvement;

    c. Introduce or strengthen a multi-tiered system of supports, which could include schoolwide positive behavioral support;

    d. Provide additional professional development training in positive behavioral support and crisis management; and

    e. Engage in problem-solving with school administrators to make data-driven decisions regarding school environments.

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

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

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.647
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal

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

Information to be Provided at Initial Meeting of a Student's Individual Educational Plan (IEP) Team

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

Ages of Students Served

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

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

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

- ○ Yes
- ◉ No

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

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

- ◉ Yes
- ○ No

Section B.2: Parental Input and Meetings

Parental Input and Meetings

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

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

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

One of the following must be selected:

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

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

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:

    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.

    b. Registered behavior technicians who have a nationally recognized paraprofessional certification in behavior analysis and who practice under the supervision of individuals described in paragraph (a) by assisting and supporting such individuals in the provision of applied behavior analysis services. To provide services under this section, a registered behavior technician must be employed by a provider described in paragraph (a);

    c. Speech-language pathologists licensed under s. 468.1185, F.S.;

    d. Occupational therapists licensed under part III of Chapter Part III F.S.;

    e. Physical therapists licensed under Chapter 486. F.S.

    f. Psychologists licensed under Chapter 490, F.S.

    g. Clinical social workers licensed under Chapter 491 F.S.

2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.

3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:

    a. The student's public instructional personnel and principal consent to the time and place.

    b. The private instructional personnel satisfy the requirements of s. 1012.32 or 1012.321, F.S.

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

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

<u>Written Agreements</u>

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

    a. Designating responsibilities for the implementation of school district procedures;

    b. Providing transportation;

    c. Providing program and staff supervision;

d. Funding programs; and

e. Dissolving the agreement.

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

- ○ Yes
- ◉ No

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

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

- ○ Yes
- ◉ No

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

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

- ◉ Yes
- ○ No

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

> Halifax Health Medical Center - Administrator, Exceptional Education Teachers, School Psychologist, School Social Worker, Speech and Language Clinician, Occupational and Physical Therapist, Behavior Specialist.

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

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)
Sections 951.176, 951.23, 1003.01, 1003.52, 1003.57, 1003.573 and 1011.62, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

Juvenile Justice Facilities

1. In accordance with s. 1003.01(14)(b), F.S., “Juvenile justice provider” means the Department of Juvenile Justice (DJJ); the sheriff; or a private, public or other governmental organization under contract with the DJJ or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention or commitment programs.

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

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

3. School districts that enter into a contract with an educational provider are responsible for oversight. For exceptional students, school districts should ensure the following:

   a. Exceptional students have a current individual educational plan (IEP);

   b. The IEP contains measurable annual goals (including academic and functional);

   c. The IEP is being implemented;

   d. The parents are invited to IEP team meetings; and

   e. The appropriate team members are present at IEP team meetings.

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

> • Students with disabilities enrolled at VRJDC are identified upon enrollment in the education program, which occurs on their first school day in detention. • In-county students are identified through FOCUS, while out-of-county students are identified via past records, new records requests sent to their zoned schools, and direct contact with schools to verify ESE status. • Student enrollment at the detention center dictates their location within the system. • Typically, students are already evaluated, especially if they are at least 4th or 5th graders, primarily consisting of middle and high school students. • In cases where students require re-evaluation, records of their progress, consultation logs, and relevant information are maintained, but final evaluation decisions are generally deferred to the students' schools. • Due to the short duration of detention stays (usually less than a month) and the atypical environment, evaluation decisions are typically made within the students' regular school settings. • There are instances where speech, language, occupational therapy (OT), physical therapy (PT), and other related services may contribute to evaluation decisions, particularly with parent input, when deemed necessary. However, such decisions are less common given the circumstances of the detention environment.

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

• Students with disabilities enrolled at VRJDC are identified upon enrollment in the education program, with their current Individualized Education Program (IEP) reviewed upon arrival or as soon as records are received. • Within 10 days (approximately 2 weeks) of a student entering detention, efforts are made to contact parents or guardians to schedule a meeting to review the draft IEP together. • Information from out-of-county is transferred into the IEP system, while in-county IEPs are either amended or left unchanged based on individual circumstances. • Transferred or amended IEPs reflect the student's new detention setting, including detention center minutes and individual student needs tailored to the environment. • Input from students, parents or guardians, teachers/staff, and other necessary service providers/agencies is sought to ensure continued provision of required services. • Related services for students are matched with their current or most recent IEP, with adjustments made as necessary for the detention environment, ensuring consistent support.

County Jails and Municipal Detention Facilities

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

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

• Juveniles assigned to be detained at the Volusia County Branch Jail often originate from the VRJDC (juvenile detention center), where their need for Exceptional Student Education (ESE) services is identified through existing records. • Students receiving ESE services in the juvenile detention facility have their Individualized Education Program (IEP) outlining accommodations and related services. • If a student did not go through the VRJDC, they may be identified as a student with disabilities during their intake interview at the branch jail. • During intake interviews, branch jail juveniles provide information about their educational history, including details about their last school attended, graduation status, highest level of education, and any prior IEPs or ESE services. • While most students are identified in the juvenile facility or during intake, there may be instances where identification occurs later through counseling, parental information, or records received from Juvenile Probation Officers (JPOs), schools, or other sources. • Some juveniles may not initially acknowledge their status as students with disabilities during the intake interview but may be identified through alternative means. • Students at the branch jail are typically already evaluated upon arrival, with the possibility of re-evaluation for speech and language, OT, PT, or other related services, but not for ESE services. • Branch jail juveniles are typically aged 16 and above and would have previously had ESE services in place. • OT, PT, speech, language, assistive technology/VAATT, and other related services are provided based on the student's incoming IEP schedule of services. • Accommodations and supports outlined in the student's current or most recent IEP are provided accordingly. • The detention setting offers a small-group environment, with the level of support tailored to each student's individual needs.

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

• Teachers are specifically assigned to address the educational needs of juveniles at the branch jail facility. • Juveniles under 18 detained in the branch jail are primarily engaged in completing their course requirements for graduation using the Edgenuity learning platform. • The teacher operates within the facility, delivering support to students in a small-group setting. • This small-group environment enables the teacher to offer tailored levels of support, particularly for students with disabilities. • Some juveniles may not initially acknowledge their status as students with disabilities during the intake interview but may be identified through alternative means. • Students at the branch jail are typically already evaluated upon arrival, with the possibility of re-evaluation for speech and language, OT, PT, or other related services, but not for ESE services. • Branch jail juveniles are typically aged 16 and above and would have previously had ESE services in place. • OT, PT, speech, language, assistive technology/VAATT, and other related services are provided based on the student's incoming IEP schedule of services. • Accommodations and supports outlined in the student's current or most recent IEP are provided accordingly. • The detention setting offers a small-group environment with the level of support tailored to each student's individual needs.

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

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

• Upon identification as a student with a disability and receipt of records from their prior educational setting, a meeting is scheduled to update the student's Individualized Education Program (IEP). • The student seamlessly resumes schooling from where they left off, progressing towards earning the necessary credits for their high school diploma. • Accommodations and supports outlined in the student's current or most recent IEP are provided accordingly. • The detention setting offers a small-group environment, with the level of support tailored to each student's individual needs.

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

• If a student was identified as a student with a disability but did not have an Individualized Education Program (IEP) in their last educational setting, the most recent available IEP serves as the basis to initiate the development of a current IEP tailored to meet the student's needs. • Even if a student was identified as a student with a disability without a prior IEP, they remain eligible for Exceptional Student Education (ESE) services if they previously met the criteria for an IEP.

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

The county sheriff or chief correctional officer or designee shall notify school district superintendents or their designee when a youth under the age of 21 is assigned to the facility.

Students are detained in the county where the crime is committed. So, the notification may include students from a different school district. The school district will need to reach out to the other school district to determine if the student has an IEP in the other school district.

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

> • Upon expressing their intent to continue their education, students' educational histories are researched, and records are collected. • Based on the gathered records, students are enrolled in classes necessary for graduation through the Edgenuity online platform. • ESE services are facilitated by an on-site teacher who offers small group and individualized instruction. • If a student's previous Individualized Education Program (IEP) indicates the requirement for speech and language, occupational therapy (OT), physical therapy (PT), or other related services, these services are provided, with potential evaluations conducted to ensure the student's needs are addressed.

Section B.5: Residential Facilities

Statutory and Regulatory Citations

34 C.F.R. § 300.2(b)(1)
Sections 951.176, 951.23, 1003.01, 1003.52, 1003.57, 1003.573 and 1011.62, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

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

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

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

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

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

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Sections 1002.42, 1003.52, 1003.573, 1011.61 and 1012.42, F.S.
Rules 6A-1.0503, 6A-1.0955 and 6A-6.0361, F.A.C.

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

    a. When the school district has determined that no special educational program offered by it, a cooperating school district, or a state agency can adequately provide the educational program for the student; orb.

    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs in accordance with ss. 1003.57(3) and (4), F.S. The student’s IEP

developed in accordance with Rule 6A-6.03028, F.A.C., may reflect that the residential placement is not required in order for the student to benefit from special education which could otherwise be provided by the school district during the day.

2. Each school district may provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility for the provision of a nonresidential interagency program that includes the provision of educational programming in accordance with the student's IEP.

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

4. The requirements of Rule 6A-6.0361(1), F.A.C., do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with s. 1003.52(3), F.S.

District Responsibilities

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

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

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

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

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

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

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

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

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

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

10. Files reports with the Florida Department of Education (FDOE) as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

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

1. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by Rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.
2. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.
3. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.
4. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.
5. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.
6. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with s. 1003.573, F.S.
7. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.
8. Identification of financial responsibility.
9. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
10. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.
11. Provision for terminating the contract.
12. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional School District Responsibilities

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

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students aged 3 through 21 years.
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability.
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program.
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract.

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

7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP.

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

9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Section B.6: Florida Educational Finance Program (FEFP) Funds

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

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

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

Notes:

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

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

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

- (●) Yes
- ( ) No

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

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

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

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

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

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

> IEPs are maintained in the District ESE, with copies provided to the Department of Education annually, as part of the annual Report of Residential Contract Costs documentation.

Section B.7: Limited English Proficiency (LEP) Students

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

Section B.8: Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating and evaluating students with disabilities in accordance with 34 C.F.R. §§ 300.111, 300.130 and 300.131 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child-find activities is children birth to 5 years of age (not enrolled in a public school) and children attending nonpublic (private) schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local county health units, Florida School for the Deaf and the Blind, and the individual school districts.
3. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist school districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
4. For parentally placed private school students, the school district in which the private school is located has the responsibility for child find if the private school is nonprofit. If the private school is for profit, the school district of the student's residence has the child-find responsibility.

Section B.9: Confidentiality of Student Records

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

1. Access rights

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

        i. A response from the school district for reasonable explanation and interpretation of the records,

        ii. Request that the school district provide copies of the records if failure to do so would deprive the parent of the right to review the records, and

        iii. Have a representative of the parent inspect and review the records;

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

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

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

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

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

2. Amendment of student records

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

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

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

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

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

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

3. Consent

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

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

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

4. Safeguards

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

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

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

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

5. Destruction of information

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

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

6. Annual written notice to parents

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

i. The right to review and inspect the student's education records, including the procedures to exercise this right;

ii. The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment;

iii. The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent; and

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

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

7. FAPE
The school district ensures that FAPE is available to all students with disabilities residing in the school district aged 3 through 21 years, including students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a certificate of completion, but have not attained the age of 22 years; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through grade 12. FAPE does not apply to students who have graduated from high school with a standard diploma and who did not defer receipt of the diploma in accordance with s. 1003.4282(8)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a general educational development credential (known as a GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

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

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

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

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

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

CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

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

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

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

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

Statutory and Regulatory Citations

34 C.F.R. § 300.172

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

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

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

Procedural Safeguards

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

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

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

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

   a. Upon initial referral or parent request for evaluation;

   b. Upon receipt of the first state complaint under 34 C.F.R. §§ 300.151 through 300.153 and upon receipt of the first due process complaint under 34 C.F.R. § 300.507 in a school year;

   c. In accordance with the discipline procedures in 34 C.F.R. § 300.530(h) (when a change in placement occurs);

   d. Upon request by a parent; and

   e. In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the Commissioner of Education that an extraordinary exemption for a given state assessment administration window be granted or denied.

One of the following must be selected:

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

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

   a. Upon initial referral for evaluation

   b. Upon refusal of a parent's request to conduct an initial evaluation

   c. Upon notification of each educational plan meeting

   d. Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following must be selected:

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

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

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

> The schools District's Attorney receives notice of the parent request and files with DOAH within 72 hours of receipt.

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

> Within 15 calendar days of receiving notice of the parent's due process hearing under Section 300.511, the district will hold a resolution meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint. In the instance that the parent filed an expedited due process hearing request, the district will hold a resolution meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint within 7 calendar days. All resolution meetings will include a representative of the district who has decision-making authority on behalf of the district and may not include an attorney of the district unless the parent is accompanied by an attorney. The parent and the district determine the relevant members of the IEP team to attend the resolution meeting. The purpose of the resolution meeting is for the parent of the student to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute that is the basis of the due process complaint. A resolution meeting need not be held if the parent and the district agree in writing to waive the meeting; or the parent and the district agree to participate in mediation. If the district is unable to resolve the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the due process complaint, the due process hearing may occur. If the district fails to hold the resolution meeting within 15 calendar days of receiving notice of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented), the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

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

> The District schedules resolution meetings with the parent and their representative, if they have one, that includes: Assistant Director of ESE, our representative (if the parent has one), and other member that would be needed according to the individual student's need as it relates to the issue raised by the parent.

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

> The District has created a position titled, ESE parent liaison, that is advertised at each IEP meeting and available to all parents if they have questions or concerns following a meeting or during the school year. The liaison shares with parents all resources and mechanisms available to them according to their specific need. The district also has information on our website to assist parent in navigating the processes. The Volusia County Website hosts the following links: Gifted link:
>
> https://www.vcsedu.org/directory/departments/teaching-leading-and-learning/exceptional-student-education/gifted-program/for-parents
>
> ESE link:
>
> https://www.vcsedu.org/directory/departments/teaching-leading-and-learning/exceptional-student-education/ese-programs-and-services/ese-parentguardian-qa

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

> Parents are given the opportunity to meet with our parent liaison who will schedule all necessary meeting with the individuals needed to resolve the parent concern.

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

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503

Procedures

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

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

Requirements or Options No Longer Applicable

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

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282(8), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.320 and 300.520
Chapter 744, F.S.
Sections 393.12 and 1003.5716, F.S.
Rules 6A-6.03011, 6A-6.03028, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

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

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

3. At least one year before the student reaches the age of majority, the school district must provide to the student and parents, information and instruction on self-determination and the legal responsibilities regarding educational decisions that transfer to the student upon attaining the age of 18. This instruction and information must include the ways in which the student can provide informed consent to allow his or her parent to continue to participate in educational decisions, including:

    a. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act as provided in s. 1002.22, F.S;

    b. Powers of attorney as provided in Chapter 709, F.S.;

    c. Guardian advocacy as provided in s. 393.12, F.S.; and

    d. Guardianship as provided in Chapter 744, F.S.

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

5. The IEP in effect at the beginning of the school year the student is expected to graduate must include a signed statement by the parent or guardian or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer receipt of his or her standard high school diploma.

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

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

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

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

b. Be appointed to represent the educational interests of the student throughout the student's eligibility for a free appropriate public education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

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

Describe the school district's procedures for when a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program.

Our school district takes a structured approach to ensure the student's educational needs are met, and legal requirements are observed:

- Request an evaluation to determine the student's capacity to make informed decisions.
- Communicate with the parents about the student's rights and the need for continued decision-making support.
- Hold IEP meetings to discuss the student's needs, next steps, and the potential need for decision-making support during transition.
- Advise parents to petition the court for legal guardianship or conservatorship, which would grant them the authority to make educational decisions.
- Provide information and resources about the options for decision-making (Considering Age of Majority, Transfer of Rights, and Decision-Making Options).
- Connecting families with community resources such as FND.
- Facilitate ESE Parent Events annually to share information regarding guardianship

  and alternatives to guardianship

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

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

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
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 the Individuals with Disabilities Education Act and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision-maker for the student without judicial action.

Procedures

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

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

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

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

    i. If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.

    ii. At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

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

    i. The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested.

    ii. The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF.

    iii. The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available.

    iv. The appointed surrogate no longer wishes to represent the child or is unable to represent the child.

    v. The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child.

    vi. The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

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

3. The person appointed as a surrogate parent:

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

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

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

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

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

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

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

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

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

When the student's parent, after reasonable documented efforts, cannot be located by the school district, the student is a ward of the state under State law, or the student is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act, the district pursues appointment of a surrogate parent. When a student with a disability does not have a parent or guardian who can act in his or her interests during the ESE process, then the school district must find a surrogate parent for the student. Schools complete the Educational Surrogate Parent Checklist and Request for an Educational Surrogate Form. Schools send the completed documents to the district compliance office. The district compliance designee conducts an investigation to determine if the parental rights have been terminated, if the parents can be located, or if the court has appointed a Guardian Ad Litem. The investigation is conducted in collaboration with Community Partnership for Children. When all conditions are met, a surrogate parent is then appointed by the superintendent or judge with documentation and evidence provided from the District ESE/SS Compliance Specialist and the school is notified. Reasonable efforts to locate or contact the parent when applicable, vary based on the results of the investigation conducted. A child who has not yet been determined eligible for ESE services but who is suspected of being an exceptional student with a disability may also need a surrogate parent.

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

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

One of the following must be selected:

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

Section E: Individual Educational Plans (IEPs) and Educational Plans (EPs) for Transferring Exceptional Students

Statutory and Regulatory Citations

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

Definition

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

Procedures

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

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

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

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

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

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

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

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

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

3. IEPs for students who transfer from outside Florida

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

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

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

4. EPs for gifted students who transfer from outside Florida

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

5. Parental consent

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

6. Transmittal of records

To facilitate the transition for a student described in subsections 1 through 4 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 C.F.R. § 99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

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

Statutory and Regulatory Citations

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

Procedures

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

1. Regarding services required to provide a free appropriate public education (FAPE) to an eligible student under the Individuals with Disabilities Education Act (IDEA), the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive a FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA—the school district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        i. Decrease available lifetime coverage or any other insured benefit;
        ii. Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school;
        iii. Increase premiums or lead to the discontinuation of benefits or insurance; or
        iv. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        i. The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student;
        ii. The purpose of the disclosure, such as the purpose of billing for services;
        iii. The agency to which the disclosure may be made; and
        iv. The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        i. A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.;
        ii. A statement of the no-cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.;
        iii. A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time; and

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

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

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

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

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

Definition

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

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

1. Parent involvement in general education intervention procedures

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

2. Observations of student in the educational environment

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

3. Review of data

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

4. Sensory screenings and diagnostic assessments

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

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

5. Implementation of evidence-based interventions

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

b. The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the areas of concern, select and implement interventions, monitor effectiveness of the interventions, and modify intervention or intensity when needed.

c. Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.

d. The school district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.

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

a. Children younger than kindergarten-entry age who are not enrolled in kindergarten

b. Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.

c. Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.

d. Students who are not enrolled in a public school.

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

Does the school district have an MTSS procedures document or website?

- (●) Yes
- ( ) No

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

> As of now, the document is available on our district intranet. It will available on the district website.

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

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

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

Since Volusia County Schools' data demonstrate that most of the district's struggling students have reading deficits, Systematic Instruction in Phonological Awareness, Phonics, and Sight Words (SIPPS) has been adopted as a supplement to core instruction when assessments indicate the need for this explicit intervention. SIPPS has a progress monitoring tool embedded and hence students receiving instruction in SIPPS at their instructional level (below grade level) are progress monitored more frequently (i.e., weekly) than those students receiving SIPPS on grade level as part of their core instruction. Success Maker is used in the district's Title I schools for elementary students and provides progress monitoring data in real time based on student performance for this on-line instructional platform. Similarly, i-Ready is used in elementary and middle schools for Title 1 schools. The needs of secondary students are met through Read 180 and Math Space, both on-line programs that collect progress monitoring data in order to inform instruction within the computer-based program and for the classroom teacher(s).

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

With regard to the selection of interventions, district curriculum teams as well as teams addressing behavior and social-emotional supports have developed decision-making resources to determine which interventions are appropriate for specific problems.

The intensity of the behavior or academic deficit indicates the frequency and scope of the intervention with the most intensive needs requiring the most frequent monitoring (weekly has been recommended in these cases).

The MTSS IPST (Individual Problem-Solving Team) reviews the student data, problem identification, intervention fidelity and progress monitoring data.

If upon review of the data, the IPST determines that the student has a poor or questionable response, the team may determine that additional/different interventions are needed, or a formal evaluation is warranted.

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

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

The four-step problem solving process is embedded in the district's MTSS framework, the Individual Problem Solving Team (IPST) process is aligned with the essential questions addressed in PLCs and hence is a "way of work" in the district. All teachers, administrators, school counselors, school psychologists and school social workers have access to the electronic Individual Problem Solving Team (IPST) system. Any educator can initiate the problem solving process for an individual student within FOCUS. The system was strategically designed to incorporate all 4 steps of problem solving with an explicit step being the documentation of intervention(s) and the monitoring of the response to the intervention(s). Standard protocol interventions have been identified and shared with schools to address alignment between the identified problem, analysis of the deficit, the intervention, and appropriate progress monitoring tool. When academic and/or behavioral problems are not responding to intervention; the educator asks for the support of IPST by initiating MTSS IPST 5 in FOCUS. The IPST meets with the teacher to review and continue the 4 steps of problem-solving process determining next steps (e.g., modification of interventions, referral for a psychoeducational evaluation). The MTSS process in FOCUS enables transparency and allows district personnel and school leadership to monitor the implementation and fidelity. In addition, administrators can monitor what has been identified as the intervention(s) and progress monitoring and as a result, have "look fors" during observations, walk throughs, etc.

Describe how parents are engaged in the problem-solving process (include the frequency and format for sharing student response-to-intervention data with parents). Address the following in your response:

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

An explicit component of the MTSS IPST process includes at least two contacts with parents prior to a teacher being able to request a formal IPST meeting. This process ensures that parents are aware of academic and/or behavioral concerns prior to an IPST meeting occurring. If problems continue despite the implementation of interventions, IPST assistance is requested, and the parents are invited by letter (available in English and Spanish) to the IPST meeting.

Parents have access via the district's website to documents that describe the IPST process to parents, their role on the team, and their right to request an evaluation. Furthermore, the district's MTSS site contains a parent information brochure on MTSS and describes the problem solving process and how parents can get involved.

MTSS IPST 2 specifically documents parent contacts and is require prior to asking for the assistance of the MTSS IPST. When the IPST process is initiated, parents are provided with "The Family Guide to a Multi-Tiered System of Supports" that outlines their participation in the process.

Parents are encouraged to monitor their child's progress through the Parent Portal in FOCUS which includes on-going information regarding student performance. When a student's response to intervention or parent request leads to an evaluation, academic and behavioral performance is shared with parents graphically.

Parents have access via the district's website to documents that describe the IPST process to parents, their role on the team, and their right to request an evaluation. In addition, district "Fact Fairs" and "ESE Resource Fairs" are held throughout the district which include information for parents on MTSS IPST and a parent's right to request an evaluation.

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

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

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

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

Conduct additional screenings to assist in determining interventions as appropriate.

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

Statutory and Regulatory Citations

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

Definition

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

Procedures for Initiating an Evaluation

1. Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through grade 12 student, or child aged 3 to kindergarten-entry age, or a school district may initiate a request for an initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the school district's consent for evaluation form.

2. The school district must seek consent from the parent or guardian to conduct an evaluation whenever the school district suspects that a kindergarten through grade 12 student, or a child aged 3 to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following in accordance with Rule 6A-6.0331(3)(a), F.A.C.:

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

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

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

    d. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through grade 12 student or child aged 3 to kindergarten-entry age who is enrolled in a district-operated preschool program may be a student with a disability and needs special education and related services.

3. Within 30 days of a determination (i.e., suspicion of a disability) that a circumstance described in subsections 1., 2. or 3. above exists for a student in kindergarten through grade 12 or a child aged 3 to kindergarten-entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing as required by Rule 6A-6.0331(3)(b), F.A.C.

4. If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must, within 30 days, unless the parent and the school agree otherwise in writing, in accordance with Rule 6A-6.0331(3)(c), F.A.C.:

    a. Obtain consent for the evaluation; or

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

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

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

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

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

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

The school district has 30 calendar days to hold an Individual Problem Solving Team (IPST) meeting, including the parent/guardian, to obtain written consent for an evaluation if team suspects the student may be a student with a disability. The school will contact the parent/guardian to set up a meeting at a mutually agreeable date and time within the 30 days. The parent/guardian will be sent an invite to the meeting to obtain informed consent prior to conducting the evaluation.

In the event that FDLRS conducts Child Find, parent/guardian will be contacted by the Child Find office to have a screening appointment scheduled with a Child Find Specialist. If the results of the screening indicate a need for evaluation, the consent for evaluation is obtained by the specialist, and the student is referred to the PreK evaluation team.

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 district staff member receives a parent request for an evaluation (verbal, written, or otherwise), school or district personnel will schedule an Individual Problem Solving Team (IPST) meeting with the parent within thirty (30) calendar days to consider obtaining consent and discuss parental concerns. IPST members discuss the needs of the student, develop interventions and/or review existing general education interventions, screenings, and determine the need for the initial evaluation. If the team determines there is a need for an evaluation, written parental consent for an initial formal individual evaluation is obtained. If the team determines there is not a need for an evaluation, a District representative will provide a Prior Written Notice (PWN) to the parent/guardian.

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

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

Prior to the request for Individual Problem Solving Team (IPST) assistance, the teacher and relevant professionals complete required activities. These activities include review of records, parent contacts and staff consultations, observations, and the development and implementation of an intervention plan. Typically, the district's IPST process recommends 5-6 data points to be collected following baseline for at least 5-6 weeks of interventions prior to the request for an evaluation. If interventions have been implemented with fidelity and data indicates that the student continues to make insufficient progress, the teacher should request Individual Problem Solving Team (IPST) assistance. The MTSS Chair schedules the IPST meeting with the teacher, relevant educational professionals, and the parents. The MTSS Chair obtains the IPST paperwork from the teacher(s) and utilizes the response to intervention information as part of the problem-solving process.

Data discussed at this meeting within the context of the district's problem-solving model is used in part to determine if a referral for evaluation is appropriate. The IPST team may include but is not limited to the following: the MTSS Chair, classroom teacher, school psychologist, school counselor, school social worker, school administrator, and other relevant professionals as needed. The parent is always encouraged to be in attendance and involved with the process. In the event that the Individual Problem Solving Team and/or parent determine that further evaluation is warranted, consent for screenings and formal evaluation is obtained. Screenings are completed by the appropriate school-based staff responsible for those activities and are completed prior to the processing of a referral for evaluation. Interventions continue while the evaluation is pending.

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

Nonpublic schools and agencies are held to the same standards for completing the Individual Problem Solving Team (IPST) process as are public schools within the district; however, they are not required to provide general education interventions prior to requesting an initial evaluation. Staff responsible include the classroom teacher, school administrator, and other relevant school-based personnel available at the school site. Nonpublic schools are invited annually to training sessions to learn about the MTSS process and how to access research-based interventions. In addition, questions that arise from nonpublic schools and agencies regarding the referral process for students suspected of a disability or who may be gifted are answered within a reasonable timeframe by staff from the Parentally Placed Private School Students Office or other departments as appropriate. The completed referral for evaluation, once received by School Psychological Services, will be assigned to the school psychologist assigned to the student's zone school.

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

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

Students ages 3-21 who have never been enrolled in school shall be referred to the Child Find Specialist to complete the appropriate activities and the referral documents. Parents who are educating their child at home may request a psychoeducational evaluation for their children. The referral process for homeschooled students is the same as for those students who attend public schools; however, may not require general education interventions. The parent or parent's designee is responsible for collecting the necessary information regarding observations, review of records, consultation with others and interventions. The Home Education department supports the parent and reviews the strategies and interventions being implemented. It is the obligation of the school district to provide an evaluation or otherwise notify the parents via a Notice of Refusal of the intent not to evaluate. It is the district's responsibility to assist the parent of a student suspected of having a disability in providing documentation of activities conducted prior to referral. Screening activities (i.e., hearing, vision, speech and language) are to be completed by the student's zone school. The Home Education Department will help facilitate this process by working directly with the zone school. As necessary, the zoned school will facilitate an Individual Problem Solving Team (IPST) meeting with the parents of the home-schooled student in order to guide through the process. Other relevant staff (e.g., school psychologist and social worker) may be invited to this meeting as deemed appropriate. Upon the receipt of a completed referral for evaluation, the referral will be assigned to the appropriate evaluation team member(s) assigned to the student's zone school. Once the evaluation(s) are completed, the zoned school will hold an eligibility meeting with the parent and school staff.

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

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

Definitions

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

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

Procedures for Evaluation

1. Responsibility for evaluation

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

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

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

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

        i. State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA);

        ii. Testing standards (e.g., *Standards for Educational and Psychological Testing*);

        iii. User qualifications recommended by the publisher in the test manual; and

        iv. Level of training, supervision, experience and certification of the individual administering or interpreting the instrument.

2. Evaluation timelines

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

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

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

iii. In the circumstance when a student is absent for more than eight school days in the 60-calendar-day period, the student's absences shall not be counted toward the 60-calendar-day requirement. The determination of whether a student is "in attendance" must be made consistent with the school board's policies implementing Rule 6A-1.044, F.A.C., which requires the reporting of students' attendance.

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

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

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

iii. A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability. This exception only applies when the current school district is making sufficient progress to ensure prompt completion of the evaluation, and the parent agrees to a specific time when the evaluation will be completed. Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

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

Describe the school district's procedures on how the decision is made that other evaluators are needed to complete the full and individual evaluation.

> Preliminary assessment results may cause an evaluator to suspect a different disability; identify additional assessments or procedures necessary to ensure that the evaluation is comprehensive; or determine that proposed evaluation(s)/procedure(s) is/are not relevant or necessary. The parent/guardian will be notified that additional evaluation components are needed to complete a full and individual evaluation. With parent permission, the formal consent is modified, and the additional evaluators are notified.

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

> The parent/guardian will be informed of the 30-day timeline extension once the evaluation consent is modified. The ESE compliance office will update the evaluation tracking form in FOCUS and contact evaluation team members.

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

> Once consent for evaluation is received and the referral packet indicates that the student meets criteria for formal evaluation, the date is noted in the district's evaluation tracking database and the referral packet is provided to the school psychologist. The database is monitored by the Coordinator of School Psychological Services to ensure that the gifted referrals are completed within 90 school days that the student is in attendance.

☑ This text box is not applicable for the school district.

3. Parental consent

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

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

      Parental consent for initial evaluation is not construed as consent for the initial provision of ESE services.

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

   c. In compliance with 34 C.F.R. § 300.300(a)(2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the student is a ward of the State and is not residing with the parent, and:

      i. The school district cannot discover the location of the parent,

      ii. The rights of the parent have been terminated, or

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

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

      i. A biological or adoptive parent of a student;

      ii. A foster parent;

      iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

      iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

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

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

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

4. Evaluation procedures

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

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

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

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

1. Whether the student is a student with a disability; and
2. The educational needs of the student.

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

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

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

1. That determination and the reasons for the determination; and
2. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district must:

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

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

i. Are selected and administered so as not to discriminate on a racial or cultural basis;

ii. Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do;

iii. Are used for purposes for which the measures are reliable and valid; and

iv. Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or

achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual or speaking skills, unless those are the factors being measured.

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

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social-emotional status, general intelligence, academic performance, communicative status and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether commonly linked to the suspected disability.

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

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

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

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

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

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances

   a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for deaf/hard of hearing, dual sensory impairments and visual impairments are not able to have reevaluation procedures waived.

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

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

      i. Unless a comprehensive review of the student's educational history, including current levels of functioning; progress toward meeting IEP goals; grades; state, district and class assessments; progress monitoring; previous psychoeducational evaluations; teacher and parent input; and a gradual release of delivery of services documented on the IEP, demonstrates that the student is no longer in need of specially designed instruction and related services. The student has met or surpassed the annual measurable goals.

ii. Students are individuals and, as such, decisions are to be made on a case-by-case basis. The school district is responsible to ensure that data-based decisions provide an outcome that is beneficial to the student.

iii. If, after a comprehensive review of the student's educational history, the school district or the parent requests a formal reevaluation, then consent for reevaluation must be secured.

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

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

f. Based on 34 C.F.R. § 300.131, the school district is responsible for reevaluations of students with disabilities attending:

i. Nonprofit private schools located within the school district;

ii. For-profit private schools and are residents in the school district; and

iii. Home education.

2. Reevaluation procedures

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

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

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

i. Whether the student continues to have a disability;

ii. The educational needs of the student;

iii. The present levels of academic achievement and related developmental needs of the student;

iv. Whether the student continues to need special education and related services; and

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

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

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

i. The determination and the reasons for that determination; and

ii. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

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

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

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

i. Rule 6A-6.03013, F.A.C., Exceptional Student Education Eligibility for Students Who Are Deaf or Hard-of Hearing

ii. Rule 6A-6.03014, F.A.C., Exceptional Student Education Eligibility for Students Who Are Visually Impaired

iii. Rule 6A-6.03022, F.A.C., Exceptional Student Education Eligibility for Students with Dual Sensory Impairments

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

3. Parental consent when additional data are needed

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

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

4. Reevaluation timelines

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

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

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

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

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

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

The school district's procedure is to ensure that a comprehensive review is completed for each student annually. This includes but is not limited to classroom work, performance on state and/or district assessments, progress towards IEP goals, formal and/or informal assessments, as well as meaningful parent input. The data is reviewed to determine whether the student continues to show a need for specially designed instruction and related services.

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

If it is determined that additional information is needed to make this determination, parental consent is obtained and the reevaluation is conducted within a reasonable timeframe. The District Placement Specialist (DPS) schedules a meeting in advance of the completion of the reevaluation to ensure the convening of the IEP team to review the reevaluation results, data, or other information.

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

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

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

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

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

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

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

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

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

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

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

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

Definition

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

General

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

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

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

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

b)When the parent responds with a choice or their suggestion(s) for district consideration, the district compliance office drafts a memorandum of agreement with the private evaluator, c)After receiving the signed memorandum of agreement, the compliance office informs the parent/guardian, d)Upon district receipt of the completed IEE, an IEPmeeting would be scheduled, or

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

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

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

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

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

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

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

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

Philosophy

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

Curriculum

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

Instructional Support

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

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

Unique Philosophical, Curricular or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to the individual learning

styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

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

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

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

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.34, 300.306 and 300.113
Sections 1003.01, 1003.55 and 1003.57, F.S.
Rules 6A-2.0010, 6A-6.03013, 6A-6.03028, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

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

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

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

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

Student Evaluation

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

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

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

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

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

Assessment Waiver

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

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

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

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

Student Reevaluation

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

Usher's Syndrome

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

Communication Plan

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

Supportive Services

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

(a) Auditory-Oral Clarke School and Bridge to Speech Clarke School;

(b) Auditory-Oral University of Miami (UM) Debbie School and Bridge to Speech UM Debbie School;

(c) Educational Interpreter Project (EIP);

(d) Florida Division of Blind Services (DBS);

(e) Florida Division of Vocational Rehabilitation (VR);

(f) Florida School for the Deaf and the Blind (FSDB); and

(g) Resource Materials and Technology Center for the Deaf/Hard of Hearing (RMTC-DHH).

One of the following must be selected:

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

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

Statutory and Regulatory Citations

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

Definitions

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

Eligibility Criteria

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

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

   a. The child is 3 through 9 years of age.

   b. There is documentation of one of the following:

      i. A score of two standard deviations (SD) below the mean or a 25-percent delay on measures yielding scores in months in at least one area of development;

      ii. A score of 1.5 SD below the mean or a 20-percent delay on measures yielding scores in months in at least two areas of development; or

      iii. Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education (ESE) services are needed.

   c. The eligibility staffing committee or multidisciplinary team, which includes the parents, makes a determination concerning the effects of the environment, cultural differences and/or economic disadvantage.

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

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

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

   b. There is documentation of one of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion;

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      iii. Based on informed clinical opinion a determination has been made that a developmental delay exists;

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

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

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

Child Evaluation

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

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

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

    a. The Florida Diagnostic and Learning Resource Center's or the school district's developmental screening results indicate that the child, 3 years to kindergarten-entry age, is a child with a disability and needs special education and related services; or

    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.

2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:

    a. Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parents; or

    b. Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and

    c. Parent report, which can confirm or modify information obtained and describe behavior in environments that the school district may not be able to access.

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

Continued Eligibility for ESE Services

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

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

Unique Philosophical, Curricular or Instructional Considerations

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

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

    b. Because of the rapid development of young children, ongoing observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

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

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

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

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

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

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.34, 300.113, 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57 and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022, 6A-6.0331 and 6A-03411, F.A.C.

Definition

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

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

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

Eligibility Criteria

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

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

    and

2. One or more of the following hearing impairments:
    a. 25 ± 5 decibels (dB) or greater based on pure tone average or average of 500, 1000 and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 ± 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 ± 5 dB or greater based on pure tone average of 500, 1000 and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; or
    e. Functional hearing loss;

    and

3. The student demonstrates a need for special education;

   or

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

5. The student demonstrates a need for special education.

Student Evaluation

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

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology; diagnosis; treatment regimen; prognosis; near and distance vision; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;

2. An audiological evaluation;

3. A comprehensive assessment of skills known to be impacted by hearing and vision impairments, to include a functional vision evaluation;

4. A functional hearing assessment;

5. An assessment of social development;

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

7. A learning media assessment;

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

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

Student Reevaluation

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

1. A functional vision evaluation;

2. A functional hearing assessment;

3. An assessment of social development;

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

5. A learning media assessment;

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

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

Qualified Evaluators

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

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

Unique Philosophical, Curricular or Instructional Considerations

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

b. Speech reading,

c. Manual communication systems,

d. Speech,

e. Appropriate amplification,

f. Interpreters,

g. Assistive listening devices,

h. Real-time captioning, or

i. American Sign Language.

6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.

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

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

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

10. The school district shall make available the following supports and services to aide in educational programming; will provide educational opportunities unique to students with sensory impairments to include the residential school, the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. In accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services, including parent involvement activities.

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

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

◉ There is no additional information for this section.

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

Statutory and Regulatory Citations

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

Definition

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

Evidence-Based Interventions in General Education

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

Eligibility Criteria

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

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

address an acute onset of an internal characteristic listed above in the Eligibility Criteria section.

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

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

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

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

Student Evaluation

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

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

2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.

3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or no presence of emotional or behavioral responses beyond the school environment.

4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which includes behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.

5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.

6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or a designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular or Instructional Considerations

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

2. Services for students with EBD provide an integrated curriculum of academic, affective and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction and mastery learning); affective (e.g., individual or group counseling and parent education and support); and behavioral (e.g., behavior support; consultation from mental health, medical or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

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

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

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

☐ This section is not applicable for the school district.

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Continued Eligibility

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

Unique Philosophical, Curricular or Instructional Considerations

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

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

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

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

☐ This section is not applicable for the school district.

Statutory and Regulatory Citations

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

Definitions

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

Eligibility Criteria

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

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. The student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. The student is confined to home or hospital; and
    c. The student will be able to participate in and benefit from an instructional program; and
    d. The student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. The student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through grade 12 and is enrolled in a public school unless the student meets criteria for eligibility under Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03022, 6A-6.03023, or 6A-6.03027, F.A.C.
3. A child is 3 through 5 years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-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 specialty hospitals. In accordance with the requirements of s. 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

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

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

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

- ○ Yes
- ◉ No
- ○ N/A

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

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

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

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

c. The educationally relevant medical findings, if any.

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

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

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

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

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

2. The student demonstrates a need for special education.

Student Evaluation

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

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

2. An educational evaluation that identifies educational and environmental needs of the student.

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

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

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

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

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

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

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018 and 6A-6.0331, F.A.C.

Definition

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

Procedures

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

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

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

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

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

c. The educationally relevant medical findings, if any

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

   i. Performance discrepancy

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

   ii. Rate of progress

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

   iii. Educational need

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

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

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

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

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

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

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

Students suspected of having a Specific Learning Disability are referred to their school-based Individual Problem-Solving Team (IPST) for the Multi-Tiered System of Supports (MTSS). The team, with the involvement of the parent, identifies the targeted interventions to be implemented, the progress monitoring tool(s) to be used, and the length of time the intervention will be in place before reviewing progress. This information is captured within MTSS platform in FOCUS. The MTSS IPST (Individual Problem-Solving Team) reviews the student data, problem identification, intervention fidelity and progress monitoring data to determine if an evaluation for special education is warranted. The adequacy of the student's response to intervention is determined by the discrepancy between the student's rate of growth and expected growth/goals, as well as by comparison of performance to peers (which may include the intervention group, class, school, district, state, and national comparison groups). Goals are determined in part by what can be expected growth based on the severity of the deficit as well as by expected general outcome measures as determined by benchmarks and Florida Standards.

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).

Parent/guardian is invited and encouraged to attend the Individual Problem Solving Team (PST) meetings that involve their children. The parent/guardian will be sent a parent/guardian participation form inviting them to a meeting along with The Family Guide to a Multi-Tiered System of Supports to prepare parents/guardians for the meeting. Each school follows the 4-step problem-solving process to ensure educational jargon and acronyms are avoided or minimized to promote parent understanding. While parents/guardians can access important "real time" educational data continuously through the Parent Portal, the Problem-Solving Team meets as needed and by parent/guardian request. Information is shared in a graphic format and includes the student's expected performance, the actual performance, and trend line.

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

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

Eligibility Criteria

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

1. Evidence of an SLD

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

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

      i. Oral expression,

      ii. Listening comprehension,

      iii. Written expression,

      iv. Basic reading skills,

      v. Reading fluency skills,

      vi. Reading comprehension,

      vii. Mathematics calculation, and

      viii. Mathematics problem solving.

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

evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

One of the following must be selected:

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

1. Evidence of an SLD

    b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified previously as determined through a process based on the student's response to scientific, research-based interventions, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C

    c. The group determines that its findings under the eligibility criteria areas above are not primarily the result of one or more of the following:

        i. A visual, hearing or motor disability;

        ii. Intellectual disability;

        iii. Emotional or behavioral disability;

        iv. Cultural factors;

        v. Irregular pattern of attendance or high mobility rate;

        vi. Classroom behavior;

        vii. Environmental or economic factors; and

        viii. Limited English proficiency.

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

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

    a. The student does not make adequate progress when:

        i. Prior to a referral, the student has not made adequate progress after an appropriate period when provided appropriate instruction and intense, individualized interventions; or

        ii. Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services; and

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

2. Observation requirement

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

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

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

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the school district's procedures as specified in these policies and procedures as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the time limit required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parents or guardians and a group of qualified professionals.

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

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

◉ There is no additional information for this section.

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459 and 468, Part I, F.S.
Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411 and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        i. Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.

        ii. Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

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

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

Eligibility Criteria

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

1. Speech sound disorder

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

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts;

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data;

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education; and

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

2. Fluency disorder

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

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

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

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

3. Voice disorder

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

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

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

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

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

Student Evaluation

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

1. For a speech sound disorder, the evaluation must include all of the following:

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

b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

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

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

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

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

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

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

d. An assessment of all of the following areas:

i. Motor aspects of the speech behaviors,

ii. Student's attitude regarding the speech behaviors,

iii. Social impact of the speech behaviors, and

iv. Educational impact of the speech behaviors.

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

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

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

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

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

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

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

c. Speech therapy services shall be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a

speech-language pathology assistant pursuant to Chapter 468, F.S.

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

2. Speech-language associate

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

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

i. The model, specifying the type and amount of direction, including direct observation, support, training, and instruction;

ii. The rationale for using this model;

iii. The manner in which the associate will be required to demonstrate competency;

iv. The process for monitoring the quality of services;

v. The process for measuring student progress; and

vi. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

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

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

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

Statutory and Regulatory Citations

34 C.F.R. §§ 300.8, 300.34 and 300.306
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.030121, 6A-6.03028, 6A-6.0331, 6A-6.03411 and 64B20-2.001, F.A.C.

Definitions

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

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

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

Eligibility Criteria

1. For prekindergarten children

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

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension,

      ii. Oral expression,

      iii. Social interaction, or

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

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

   c. Results of standardized norm-referenced instruments indicate a significant language deficit in one or more of the areas listed in the Definitions section, as evidenced by standard scores significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more of the areas listed in the Definitions section. The significance of the deficits must be determined and based on specifications in the manual of the instruments utilized for evaluation purposes.

d. Information gathered from the child's parents or legal guardians, teachers, service providers, or caregivers must support the results of the standardized instruments and observations conducted.

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

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

2. For students in kindergarten through Grade 12

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

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

i. Oral expression,

ii. Listening comprehension,

iii. Social interaction,

iv. Written expression,

v. Phonological processing, or

vi. Reading comprehension.

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 2.a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through grade 12, included in Part I of this ESE Policies and Procedures (P&P) under the Conducting Student Evaluations and Reevaluations section. There must be documentation of the following:

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

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

iii. Information gathered from the student's parents or guardians, teachers, and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist (SLP) when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instruments. The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through grade 12, included in Part I of this ESE P&P under the Conducting Student Evaluations and Reevaluations section, and the additional observations conducted subsequent to obtaining consent for

evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parents or legal guardians, teachers, and, when appropriate, the student, must support the results of the observations conducted.

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

Documentation of Determination of Eligibility

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

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

Student Evaluation

1. Children in prekindergarten

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

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

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

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

2. Students in kindergarten through Grade 12

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

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

      i. Review of data that demonstrates the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified areas of concern and delivered by qualified personnel in general or ESE settings.

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

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

      iv. Documented and dated observations of the student's language skills conducted by the SLP in one or more settings.

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. Language services

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

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

    c. Language therapy services will be provided by a certified SLP pursuant to Rule 6A-4.0176, F.A.C., or a licensed SLP pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

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

2. Speech-language associate

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

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

        i. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training and instruction;

        ii. The rationale for using this model;

        iii. The manner in which the associate will be required to demonstrate competency;

        iv. The process for monitoring the quality of services;

        v. The process for measuring student progress; and

        vi. The manner in which the speech-language associate will meet the requirements of the annual school district professional development plan for instructional personnel.

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

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

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

Statutory and Regulatory Citations

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

Sections 1003.55, 1003.57 and 1003.575, F.S.

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

Definitions

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

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

Student Evaluation

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

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

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

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

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

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

Assessment Waiver

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

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

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

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

Reevaluation

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

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

Supportive Services

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

(a) Critical Initiatives in Visual Impairment Project Florida State University (CIVI-FSU);

(b) Florida Division of Blind Services (DBS);

(c) Florida Division of Vocational Rehabilitation (VR);

(d) Florida Instructional Materials Center for the Visually Impaired (FIMC-VI);

(e) Florida Low Vision Initiative (FLVI); and

(f) Florida School for the Deaf and the Blind (FSDB).

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

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

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

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

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

Assessments

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

Determination of Need for Occupational Therapy

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

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

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

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

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

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

Assessments

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

Determination of Need for Physical Therapy

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.20, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963, 6A-6.03028, 6A-6.0311 through 6A-6.0361, and 6A-6.03311, F.A.C.

Definition

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

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

Procedures

1. Role of parents

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

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive a free appropriate public education (FAPE);

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general education curriculum, including participation in state and school district assessments;

   e. Participating in the determination of what services the school district will provide to their student and in what setting; and

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Industry Scholar designation in accordance with s. 1003.4285, F.S.

   g. For the IEP in effect at the beginning of the school year the student is expected to graduate, a signed statement by the parent or guardian or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of his or her standard high school diploma, must be included in the student's IEP.

2. Parent participation in IEP team meetings

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

   a. To ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting the following must occur:

      i. Parents are notified of the meeting early enough to ensure that they have an opportunity to attend.

      ii. The meeting is scheduled at a mutually agreed upon time and place.

iii. A written notice to the parent indicates the purpose; time; location of the meeting; and who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child. Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA. Parents may also be accompanied by an adult of their choice at a meeting with school district personnel.

iv. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student must also be included as part of the IEP team. Consistent with federal law, the determination of knowledge or special expertise must be made by the party (parent or school district) who invites the individual to be a member of the IEP team.

v. Decisions as to which teachers and special education providers are members of the IEP team are made by the school district, based on the needs of the student.

vi. The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the IEP team and, thus, would require excusal as described in subsection 4 below.

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

b. Not later than the first IEP to be in effect when the student attains the age of 12 or seventh grade, whichever occurs first (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify the transition services needs of the student and that the school district will invite the student.

c. The provision of information must be given to the student and the parents about the following resources:

i. The school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access them;

ii. School-based transition programs; and

iii. Programs and services available through the Florida Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services.

d. Not later than the first IEP to be in effect when the student turns 14 or enters high school (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be the consideration of postsecondary and career goals and transition services for the student, which must be operational and in place to begin implementation not later than the first day of the student's first year of high school, and that the school district will invite the student and identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the school district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parent. In this case, the school district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

i. Detailed records of telephone calls made or attempted, and the results of those calls;

ii. Copies of correspondence sent to the parents and any responses received; and

iii. Detailed records of visits made to the parents' home or place of employment, and the results of those visits.

g. The school district takes whatever action is necessary to ensure that the parents, and the student when the student is age 12 or in grade 7, whichever occurs first, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The school district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

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

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment. The regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

i. Appropriate positive behavioral interventions and supports and other strategies for the student; and

ii. Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student.

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the school district. At the school district's discretion, the student's special education teacher may be designated to also serve as the school district representative, if the teacher meets these requirements.

e. An individual who can interpret the instructional implications of evaluation results. Another member of the IEP team may fulfill this role.

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel. The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting.

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals. If the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the school district takes other steps to ensure that the student's preferences and interests are considered.

h. Agency representatives—To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services. Parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial

IEP team meeting, at the request of the parent, to assist with the smooth transition of services.

j. The school district will determine the specific personnel to fill the roles.

4. IEP team member excusal

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

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

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

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

> School IEP Case Manager, School IEP Facilitator, District Placement Specialist, District Compliance Coordinator, and/or Assistant ESE Director.

4. IEP team member excusal (continued)

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

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

a. An IEP or an individual family support plan (IFSP) must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

Timelines for IEPs include the following:

a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the school district's jurisdiction.

b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

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

a. Strengths of the student and concerns of the parents for enhancing the education of their child

b. Results of the initial or most recent evaluation or reevaluation

c. As appropriate, results of the student's performance on state or districtwide assessments

d. Academic, developmental and functional needs of the student.

e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior.

f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP.

g. In the case of a student who is blind or visually impaired, the provision of instruction in braille and the use of braille unless the IEP team determines, after an evaluation of the student's reading and writing skills needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student.

h. The communication needs of the student

i. In the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at https://www.flrules.org/gateway/reference.asp?No=Ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf or hard of hearing or have a dual sensory impairment. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices to receive a FAPE.

k. At least annually, whether extended school year (ESY) services are necessary for the provision of a FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary. School districts may not limit ESY to categories of a disability or unilaterally limit the type, amount or duration of those services. ESY services must be consistent with the following:

    i. Pursuant to 34 C.F.R. § 300.106, ESY services must be considered by the IEP or IFSP team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the school district, in accordance with the child's IEP or IFSP and at no cost to the parent of the student and meets the standards of the state educational agency.

    ii. ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure a FAPE. In many cases, not all the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.

    iii. Parental requests for ESY services must be considered; however, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of a FAPE, then a written informed notice of refusal must be provided.

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

ESY services have been identified as individualized instructional services beyond the regular 180-day school year for students with disabilities. Florida'sstudents with disabilities have traditionally been served for ESY using the summer school model, but the provision of ESY for eligible students withdisabilities can be offered remediation of skills anytime throughout the school year. At least annually, the IEP team will discuss whether ESY services arenecessary for the provision of Free Appropriate Public Education (FAPE). Criteria that can be used to determine whether a student is eligible for ESY services include, but are not limited to regression/recoupment, critical point of instruction, emerging skills, nature or severity of, disability, interfering behaviors, rate of progress, and special circumstances (e.g., transition from school). ESY services, like all other special education services, must be provided in the least restrictive environment (LRE). However, the district is not required to create a program for the sole reason of providing LRE. The LRE for the duration of a student's ESY services may differ from the LRE of the traditional school year. Furthermore, not all goals from the current year are automatically carried over for ESY services. The IEP team targets specific goals to be addressed, and the LRE determination must be based on the most appropriate setting in which to address those goals. Some common delivery models include "take-home" instructional materials, behavioral or other training for parents or program staff, itinerant teacher services, consultation, virtual, tutorials, and services contracted through community or outside agencies.

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

The district has and will continue to inform staff that varying amounts, types, and duration of ESY services are possible based on the individual needs of the student through the distribution of a memo to Principals, ESE Assistant Principals, ESE Teachers, District Placement Specialists, IEP Facilitators, Related Service Providers, and Instructional Service Department Members.

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

    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, to receive a FAPE, the IEP includes a statement to that effect.

8. Prior Written Notice

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

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

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

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

    a. A description of the action proposed or refused by the school district;

    b. An explanation of why the school district proposes or refuses to take the action;

    c. A description of each evaluation procedure, assessment, record or report the school district used as a basis for the proposed or refused action;

    d. A statement that the parents of a child with a disability have protection under the procedural safeguards if the notice is not an initial referral for evaluation and how a copy of a description of the procedural safeguards can be obtained;

e. Sources for the parents to contact to obtain assistance in understanding the notice;

f. A description of other options that the IEP team considered and the reasons why those options were rejected; and

g. A description of other factors that are relevant to the school district's proposal or refusal.

9. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum or for prekindergarten children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student..

e. A statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general education curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and without disabilities in compliance with state and federal laws. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or school district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate school district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or school district assessments and, if applicable why the particular school district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or an exemption due to medical complexity in accordance with s. 1008.22(12), F.S., the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations and modifications described and the anticipated frequency, location and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as using quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) digital tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.

10. Transitional needs addressed within IEP

a. During the student's seventh grade year or when a student attains the age of 12, whichever occurs first, IEP teams must begin the process of identifying the need for transition services of students with disabilities before the student enters high school or attains the age of 14, whichever occurs first, in order to have identified postsecondary and career goals. The plan must be operational and in place to begin implementation on the first day of the student's first year in high school. This process must include, but is not limited to, the following:

i. Consideration of the student's need for instruction or the provision of information in self-determination and self-advocacy to assist the student to be able to participate in IEP team meetings actively and effectively.

ii. Preparation for the student to graduate from high school with a standard high school diploma pursuant to s. 1003.4282, F.S., with a Scholar designation unless the parent chooses an Industry Scholar designation.

iii. Provision of the information to the student and his or her parent of the school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on school-based transition programs and programs and services available through Florida's Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services. Referral forms, links, and technical support contacts for these services must be provided to students and parents at IEP team meetings.

b. Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:

i. A statement of intent to pursue a standard high school diploma and a Scholar or Industry Scholar designation, as determined by the parent.

ii. A statement that documents discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma.

iii. The IEP in effect at the beginning of the school year the student is expected to graduate, must include a signed statement by the parent, the guardian or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of diploma.

iv. A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. The IEP must also specify the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.

v. A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training; education; employment; and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.

vi. Any change in the IEP for the goals specified above must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572, F.S.

vii. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency of the responsibility to provide or pay for any transition service

that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Beginning at least one year before the student's 18th birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

d. Beginning with the 2015-2016 school year, a statement identifying CAPE digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

e. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law, a school district must provide the student with a summary of the student's academic achievement and functional performance, which should include recommendations on how to assist the student with meeting the postsecondary and career goals.

11. Requirements for a Standard Diploma

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

12. High School Graduation Requirements for Students with Disabilites

a. General requirements.

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

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

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with the most significant cognitive disabilities and are designed to provide these students with access to the general education curriculum.

ii. Alternate assessment. In accordance with s. 1008.22(3)(d), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(8)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible Career and Technical Education (CTE) courses. Eligible CTE courses include any ESE or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

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

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may

   ii. substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   iii. Participation in the Florida Alternate Assessment in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iv. A score of at least a Level 4 on the Florida Alternate Assessment in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the end-of-course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(d), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   v. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multimedia portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, 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 the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may substitute for English IV; one mathematics credit, except for Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(8)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

   iii. Documented achievement of all components defined in s. 1003.4282(8)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements in s. 1003.4282(8)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

2. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a FAPE. This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

3. School districts must ensure that the names of students deferring their diploma be submitted to appropriate school district staff for entry in the school district's management information system. Improper coding in the school district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until his or her 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum and

b. Placement of the student in an ESE center school.

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

a. Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration and

b. Parental Consent Form: Student Placement in an Exceptional Education Center.

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

approval through a due process hearing.

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

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

14. Least restrictive environment (LRE) and placement determinations

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

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

What is the date the BPIE was completed?

> Our last district BPIE was completed May 17, 2023.

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

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

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

> May 17, 2023 was our last district BPIE. May 2026 is the anticipated date for the triennial BPIE assessment to be held.

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

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

    c. A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

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

> The district provides a continuum of alternative placements ranging from the general education setting with supports to separate classes and instruction in the home and/or hospital. Time with nondisabled peers and how this time aligns with the continuum of placement options (e.g., general education, resources, separate class, etc.) is calculated based on the total time within the school week and is evident on the IEP. Our district has two alternative education sites that can serve our students if they have violated Code of Conduct and have had a Manifestation Determination Review (MDR) that can receive support facilitation or separate class supports if placed there by an IEP team. Homebound or Hospitalized (H/H) services are offered and provided for students who meet eligibility criteria and are provided in different formats depending on student needs. ESE services may be provided by an H/H teacher or other service provider, face-to-face, may be accomplished virtually, or via a combination of face-to-face instruction and service via technology. Home instruction may also be identified as a need for a student in extenuating circumstances. For any student receiving home instruction, transition to a school campus or program remains a high priority and consideration to ensure that students only receive home instruction for the duration necessary based on student needs. The intensity and type of supports provided varies based on individual educational and programmatic needs of students in any setting on the continuum.

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

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

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

    d. In determining the educational placement of a student with a disability, including a prekindergarten child with a disability, each school district must ensure that:

        i. The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

        ii. The placement decision is made in accordance with the LRE provisions listed above.

        iii. The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.

        iv. Unless the IEP of a student with a disability requires another arrangement, the student is educated in the school that he or she would attend if without disabilities.

        v. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.

        vi. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

    e. In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a

disability participates with students without disabilities to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

15. Review and revision of the IEP

The school district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved;

b. Revises the IEP as appropriate to address:

i. Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate,

ii. Results of any reevaluation conducted,

iii. Information about the student provided to or by the parents,

iv. The student's anticipated needs or other matters, and

v. Consideration of the factors described previously (subsection 7);

c. Responds to a parent's right to ask for revision of the student's IEP; and

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible.

16. Changes to the IEP

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

a. Changes to the postsecondary or career goals; and

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

17. Students with disabilities in adult prisons

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

18. IEP implementation and accountability

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

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

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

20. Access to instructional materials

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

21. Physical education

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

22. Treatment of charter school students

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

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

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

i. Including proportional distribution based on relative enrollment of students with disabilities; and

ii. At the same time as the school distributes other federal funds to its other public schools;

23. Program options

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

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

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

Section D: Discipline

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

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

   a. The removal is for more than 10 consecutive school days.

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

2. Controlled substance

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

3. Illegal drug

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

4. Serious bodily injury

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

5. Weapon

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

6. Manifestation determination

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

7. Interim alternative educational setting (IAES)

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

Procedures

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

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

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

Volusia County Schools provides information & training in Positive Behavioral Interventions Supports (PBIS) through a continuum of Professional Development (PD), technical support & coaching opportunities. These opportunities are provided for all VCS teachers & staff and include PD activities specific to the behavioral & academic needs of ESE students. Beyond the continuum of core PD opportunities, the district ESE teachers & staff assists in providing the necessary training to implement the student's IEP with fidelity in the event of a unique situation. School-wide PBIS serves as the foundation for positive behavior for all students in all areas of the campus. Classroom PBIS is provided through PBIS in the Classroom PD opportunities & is available to all teachers, and furthermore all new ESE teachers are required to participate in 4 days of ESE specific classroom management training, IEP compliance training & differentiated instruction each with the emphasis on individualized PBIS. Additional opportunities for PD & information on PBIS are provided by the VCS in collaboration with the Florida PBIS project & outside consultants on specific exceptionalities & services, legal safeguards, and how to keep positive behavior as a focus area versus a punitive measure. Finally, while ESE specific PD activities are required for ESE teachers, paraprofessionals, & school-based administrators, the opportunities are open & available to all VCS personnel. All behavior specialists, as well, participate in targeted PBIS trainings each month during a mandatory meeting. As the Functional Behavioral Assessment (FBA)/Behavior Intervention Plan (BIP) are based upon PBIS principles this group is required to have expert status for the development & implementation of PBIS for all students.

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

During an IEP meeting the committee addresses the whole student's needs: academic, social/emotional, independent functioning, and communication. Behaviors that impede his learning or the learning of others are discussed when developing priority educational needs. Typically after developing priority educational needs, the committee develops one or more goals to address specific behavioral needs. If the student does not have a functional behavioral assessment/behavior intervention plan the committee seeks informed parental consent through the reevaluation process to initiate the assessment based on the student's needs. After development of the goals and objectives, the committee determines appropriate related services and supports to address the student's behavior needs. The student's assigned case manager and classroom teacher monitor the implementation of the IEP, related services, and supports. Often times a crisis plan is developed while waiting for the FBA/BIP assessment to be completed.

2. Authority of school personnel

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

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

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

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

Each month school administration and Division Directors are provided with a full suspension data report for their ESE students. Schools are required to update the spreadsheet in the ESE Monitoring and Feedback Teams folder. Appropriate interventions are discussed at the school level with an emphasis on Positive Behavior Supports being implemented to support the successful education of the students involved. The ESE Executive Director meets quarterly with the school to discuss disproportionate behavior data including out of school suspensions. All principals meet twice a year to review data with our Behavior Consultant and to discuss alternatives to suspension.

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

District and school-based staff monitor suspension data, including the number of consecutive and cumulative suspension days for students with disabilities. When a student with a disability is suspended between 5 and no more than 10 days in a school year, an Individual Educational Plan (IEP)meeting is held to ensure that the IEP and behavior intervention plan (BIP) are appropriate to meet the student's individualized needs related to his/her disability. This meeting also affords the IEP team the opportunity to proactively identify and make the necessary changes if there is a pattern of behavior that may not currently be addressed in the IEP or if despite the supports and services identified in the IEP, that a pattern of behavior persists. The IEP team reviews the pattern of suspensions and makes recommendations for changes to the IEP and/or BIP. If a BIP is not a current support, the IEP team would discuss the need for further evaluation, including the need for a functional behavior assessment (FBA). The team considers the pattern of suspensions based on the length of each removal, the total amount of time the student has been removed in a school year, and the proximity of the removals to one another. When a student with a disability is suspended for more than 10 cumulative days in a school year, an IEP meeting is scheduled and facilitated by the District Placement Specialist. The purpose of this meeting is a Manifestation Determination Review (MDR), as the length of suspensions would constitute a change of placement. The IEP team would review the IEP, along with the behavior intervention plan, considering revisions as needed. If the student does not have a BIP in place and if the conduct in question is determined by the IEP team to be a manifestation of the student's disability, a functional behavior assessment would be requested. For any subsequent suspension, another MDR meeting would occur, along with a review and revisions of the IEP and behavior intervention plan, as needed. Within the student information system for the district, the administrator is alerted to the student's disability status, each time additional information is entered. With these alerts, the administrator and school are able to assist with monitoring the suspension data for students with disabilities, including the number of suspensions, length of each suspension, and cumulative suspension data on an ongoing basis.

3. <u>Manifestation determination</u>

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

   a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

      i. Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP

      ii. Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

   b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   i. Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

   ii. If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and

   iii. Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student’s disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

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

The school administrator contacts the Executive Director of ESE if a student violates the student code of contact to discuss suspension pending expulsion. After reviewing the incident, the Executive Director of ESE notifies school administration and the District Placement Specialist (DPS) to move forward with the need to facilitate a manifestation determination meeting. Upon DPS notification, the manifestation meeting is scheduled within two to three days of the incident and in no case later than 10 days after any decision to change the placement or a student with a disability because of a violation of a code of student conduct. All relevant Individual Education Plan (IEP) committee members as determined by the district and parent(s) are noticed to attend as well as additional support personnel.

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

All relevant Individual Education Plan (IEP) committee members as determined by the district and parent(s) are noticed to attend as well as additional support personnel. Meeting participants will include but not limited to the LEA Representative, general education Teacher, ESE teacher, representative from alternative education representative from Home Instruction, parent, and other service providers as needed.

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

If the IEP/manifestation committee recommends initiating a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP), parent consent is requested during the meeting. Once consent is received, the behavior team receives notice of this request and initiates the process. Behavioral support teams use the FBA process to identify environmental factors that both trigger and reinforce the student's use of problem behavior. This allows teams to develop effective, individualized behavioral interventions that result in desired changes in student behavior. Upon completion of observations, data collection, parent and behavior team input, the IEP committee reconvenes to address the information based on student outcome and needs.

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

> The Behavior Team provides staff training on the FBA process as well as individualized training and coaching for each adult charged with the implementation of the plan, monitoring of the plan, and reviews as required by law and by student need. Each school in VCS has access to a qualified Behavior Specialist that facilitates the FBA/BIP process with school and support personnel that work with the child. Within this process, the mandates that require the development of a FBA/BIP are provided by the Behavior Specialist and team.

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

> When the IEP/manifestation team determines that it is not a manifestation of the student's disability, the team discusses and decides where FAPE can and should be provided to the student. The parent must agree with the decision if the student is to be moved from their zoned school. The team also discusses any need for evaluations or reevaluations so that the student's needs can be identified and met. FAPE services continue for the student in the appropriate placement while they await evaluation to be completed.

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

> If a parent disagrees with the manifestation determination decision, the parent may appeal the decision by requesting an expedited due process hearing, by contacting the district's Exceptional Student Education (ESE) Department or Chief Counsel's office. The due process request is filed in writing to the Department of Education by the parent or by the district ESE Department/Designee. Chief Counsel's office then notifies the Division of Administrative Hearings. In addition, the district responds to the parent in writing, following the receipt of the due process request. In this response, the parent is provided a copy of the Notice of Procedural Safeguards for Parents of Students with Disabilities, and the parent is informed of available local low cost legal services and resources. 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. <u>Notification to the parent of a removal that constitutes a change of placement of a student</u>

   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. <u>Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES</u>

   a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to students without disabilities who are similarly removed.

   b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the measurable annual goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.

   c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under

this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the measurable annual goals in the student's IEP.

d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

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

A student that receives in school suspension (PASS) will continue to receive FAPE and be provided their services by a certified ESE teacher. A student that receives out of school suspension will be given the opportunity to complete their assignments. If a student is removed for more than ten days, a compensatory education plan will be completed. The plan will be shared with parent for approval. The manifestation review is conducted by the district, the parent, and relevant members of the IEP team (as determined by the parent and the district). The individuals involved in making the manifestation determination are charged with reviewing all relevant information in the student's file, including the IEP, any teacher observation and any relevant information provided by the parent. FAPE obligations continue when the resulting change of placement exceeds 10 school days in the school year, except that such FAPE may be provided in an IAES setting. The FAPE related services must enable the student to continue to participate in the general education curriculum, and progress toward meeting the goals set out in the student's IEP. The student must receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. When an ESE student is removed from the traditional school setting, alternative placements are discussed; IAES or home instruction. If a student is placed at an IAES, the District Placement Specialist who facilitated the manifestation meeting along with the sending ESE Assistant Principal, communicates with the IAES site informing the site of the student's needs, IEP, FBA, BIP and any other relevant information. Any additional training and supports are provided to the IAES site by the district ESE support personnel. The FAPE related services continue for the student in the IAES setting. The aforementioned process applies for students placed on home instruction. The one-to-one instructor will implement the student's IEP, FBA and BIP. District ESE support personnel will assist in providing the necessary training and supports while ensuring FAPE related services continue to be implemented for the student.

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

For any district and support staff that provides services to students suspended or expelled, placed in an IAES setting, or home instruction receive training opportunities in classroom management, social skills instruction, mental health, and any other academic areas that are needed. The daily, weekly and monthly behavioral program is individualized based on the student's IEP and individualized needs.

6. Special circumstances and IAES

a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

i. Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a state educational agency (SEA) or a school district;

ii. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or

iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district.

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

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

A copy of the Part B Notice of Procedural Safeguards for Parents of Students with Disabilities is to accompany each meeting notice sent home. ESE personnel, district staff, and/or school-based administration notify the parent of the change of placement decision for the student and provide the parent with the Part B Notice of Procedural Safeguards on the date that the decision is made. For removals that would constitute a change of placement due to a removal for more than 10 consecutive school days, ESE personnel, district staff, and/or school-based administration notify the parent of the decision to consider a change of placement and provide the Part B Notice of Procedural Safeguards to the parent. For removals that constitute a change of placement due to a pattern of exclusion, ESE personnel, district staff, and/or school-based administration provide the parent with notice of the removal and provide the parent with a copy of the Part B Notice of Procedural Safeguards. The district provides the student with compensatory education for any services that have been missed due to any removal over 10 days. This compensatory education plan is presented to the parent for their approval.

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

The District Placement Specialist along with the administration for the IAES track each student placement as special circumstances; 45 school days rule. At least two weeks prior to the 45th day, the IEP committee convenes to address the student's need to transition to his/her zone school setting with the necessary supports to meet student needs.

7. Appeal and expedited hearings

    a. An expedited hearing may be requested by:

        i. The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.; and

        ii. The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Florida Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

        i. A resolution meeting will occur within seven days of receiving notice of the request for an expedited due process hearing; and

        ii. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing.

    d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1), F.S.

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

> The district designee contacts the parent explaining the process of an expedited due process hearing. A resolution meeting will occur within seven days of receiving notice of the request for an expedited due process hearing unless the parent and school district agree to waive the meeting. A meeting notice listing appropriate committee members, date, time, and location along with a summary of procedural safeguards will be sent to the parent.

8. Authority of an ALJ

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

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

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

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

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

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

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

    a. Basis of knowledge

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

       i. The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services;

       ii. The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

       iii. The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

    b. Exception

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

       i. The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;

ii. The parent of the student has refused to provide consent for initial provision of special education and related service;

iii. The parent of the student revoked consent for the student to receive special education and related services; or

iv. The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

i. If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a student without a disability who engages in comparable behaviors.

ii. If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Reporting a crime

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

12. Student records in disciplinary procedures

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

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

> When a discipline event has occurred, schools enter all of the required data into the SIS system, FOCUS. If a crime has occurred, the appropriate authorities are contacted and this data is also entered into the SIS system, FOCUS. From FOCUS, the appropriate data elements are extracted and submitted to the state during the annual Survey 5 window.

13. Disciplinary records of students with disabilities

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

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Section E: Participation in State and District Assessments

Statutory and Regulatory Citations

34 C.F.R. § 300.8
Chapters 458 and 459, F.S.
Sections 1003.01, 1003.428, 1003.4282, 1003.43, 1003.433, 1007.02, 1008.212, 1008.22, 1008.25 and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03018, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

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

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide, standardized assessment program and any districtwide assessment of student achievement with allowable accommodations, if determined appropriate by the individual educational plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test administration manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide, standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Eligible students may receive paper-based accommodations (regular-print, large-print, one-item-per-page, braille). Students must have an IEP or Section 504 Plan that clearly indicates the reason that the computer-based test is not currently accessible or appropriate for the student. Documentation should include:1. Whether or not the student is currently able to use a computer or mobile device to engage in instruction/assessments;2. Accommodations/assistive technology the student needs when using a computer or mobile device; 3. Training and services the student needs to successfully use a computer or mobile device in instruction/assessments; and 4. The type of media/accommodations (e.g., paper, braille) that are necessary if it is determined that the student cannot use a computer or mobile device for the foreseeable future.

   e. Unique accommodations are specialized accommodations that require alterations to existing test materials, presentation, or administration guidelines. Requests may be submitted for such accommodations that are outside of the scope of currently available test materials and/or established test administration procedures. A unique accommodation must be documented on an IEP or Section 504 Plan, must be used regularly by the student in the classroom, and must not negate the validity of the assessment.

   f. For students with the most significant cognitive disabilities, the Florida Department of Education shall provide for the implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the state academic standards.

   g. Students who are identified solely as gifted are not eligible for statewide, standardized assessment accommodations.

3. Allowable accommodations

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

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

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

4. Waiver of assessment requirements

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

Extraordinary Exemption for Students with Disabilities

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

1. Definitions

   a. "Circumstance" means a situation in which accommodations allowable for use on the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program, which lead to results that reflect the student's impaired sensory, manual or speaking skills, rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.

   b. "Condition" means an impairment, whether recently acquired or longstanding, that affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.

   c. "Medical complexity" – Pursuant to s. 1008.22(12), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

   d. "Parent" – Pursuant to Rule 6A-6.03411(1)(bb), F.A.C., parent means:

      i. A biological or adoptive parent of a student;

      ii. A foster parent;

      iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State);

      iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

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

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(d), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the school district superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills;

    b. Written documentation of the most recent evaluation data;

    c. Written documentation, if available, of the most recent administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;

    d. A written description of the condition's effect on the student's participation in the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment;

    e. Written evidence that the student has had the opportunity to learn the skills being tested;

    f. Written evidence that the student has been provided appropriate instructional accommodations;

    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP that are allowable in the administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments;

    h. Written evidence of the circumstance or condition as defined in Rule 6A-1.0943(1), F.A.C.; and

    i. The name, address and phone number of the student's parent.

4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in Rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.

5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the FDOE shall inform the parent of any no-cost or low-cost legal services and other relevant services available in the area. The FDOE shall arrange a hearing with the Division of Administrative Hearings (DOAH), which must commence within 20 school days after the parent's request for the expedited hearing. The administrative law judges at DOAH shall make a determination within 10 school days after the expedited hearing. The standard of review for an expedited hearing is de novo, and the FDOE has the burden of proof.

Exemption for a Child With Medical Complexity

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

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

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

    a. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including those in the FAA program. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner beginning June 1, 2015, and each June 1 thereafter:

        i. The total number of students for whom a one-year exemption has been granted by the superintendent; and

        ii. For each student receiving an exemption, the student's name, grade level, and the specific statewide, standardized assessments from which the student was exempted.

    b. One-, two- or three-year or permanent exemption approved by the commissioner as described in s. 1008.22(12), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner no later than 30 calendar days before the first day of the administration window of the statewide, standardized assessment for which the request is made:

        i. The student's name, grade level, and the statewide, standardized assessment for which the exemption request is made;

        ii. The name, address and phone number of the student's parent;

        iii. Documentation of parental consent for the exemption;

        iv. Documentation of the superintendent's approval of the exemption;

        v. Documentation that the IEP team considered and determined that the student meets the definition of a child with medical complexity as defined in s.1008.22(12), F.S.; and

        vi. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or 459, F.S.

    c. Upon receipt of the request, documentation and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

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

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

2. Eligibility requirements

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

accordance with s. 1003.5715, F.S., and Rule 6A-6.0331(10)(b), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology or accessible instructional materials, the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts (ELA), math, social studies and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. Eligibility areas excluded

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

4. School district and IEP team requirements

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

5. Administration of the AA-AAAS

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

6. Additional Information Required

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

The school district administers districtwide assessments of academic student achievement.

- (●) Yes
- ( ) No

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

Reading - Self-Contained Multi VE, 3:1 ratio, 1st-12th grades - Our district monitors students in ELA Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing News 2 You (n2y) and Unique Learning Systems (ULS) in our elementary, middle, and high school classrooms. Teachers administer Checkpoints at the end of each monthly unit and administer 3 district-scheduled benchmark assessments to monitor progress. The district team meets with the n2y/ULS team after each assessment to devise next steps.

Reading - Separate Class, VE Modified, 6th-12th grades – Our district monitors students in ELA Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing HMH System 44/Read 180 program in our middle school and high school classrooms. Teachers administer 3 progress monitoring assessments. The district team meet with the HMH System 44/Read 180 team after each assessment to devise next steps.

Math - Self-Contained Multi VE, 3:1 ratio, 1st-12th grades - Our district monitors students in MA Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing News 2 You (n2y) and Unique Learning Systems (ULS) in our elementary, middle, and high school classrooms. Teachers administer Checkpoints at the end of each monthly unit and administer 3 district-scheduled benchmark assessments to monitor progress. The district team meet with the n2y/ULS team after each assessment to devise next steps.

Math - Separate Class, VE Modified, 6th-12th grades – Our district monitors students in MA Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing Math for Life (6-8) and Equals Algebra or Geometry (9-12) curriculum in our middle school and high school classrooms. Teachers administer 3 progress monitoring assessments.

Science - Self-Contained Multi VE, 3:1 ratio, 1st-12th grades - Our district monitors students in Science Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing News 2 You (n2y) and Unique Learning Systems (ULS) in our elementary, middle, and high school classrooms. Teachers administer Checkpoints at the end of each monthly unit and administer 3 district-scheduled benchmark assessments to monitor progress. The district team meet with the n2y/ULS team after each assessment to devise next steps.

Science - Separate Class, VE Modified, 6th-12th grades – Our district monitors students in Science Access Points Instruction, assessed by Florida Alternate Assessment (FAA) by implementing Teaching Standards: SCI (6-12), Explore Chemistry and Access Project Biology (9-12) curriculum in our middle school and high school classrooms. Teachers administer 3 progress monitoring.

Parental Consent Documentation

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

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

- (●) Yes
- ( ) No

Percentage of Students on Alternate Assessment

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

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

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

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

Reading

1.4

Mathematics

1.4

Science

.9

Is the school district over one percent in any area?

- (●) Yes
- ( ) No

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

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

Volusia County Schools uses an Access Points / FSAA Consideration process that requires information regarding a student's global and significant delays to be documented and reviewed by a district task force. That task force then provides information and recommendations to the IEP committee for consideration and determination of the appropriate curriculum and assessment pathway. The FSAA Task Force reviews all evaluation data and student performance data, as well as interventions and strategies used with the student, in order to provide guidance to the IEP team in determining the appropriate curriculum and assessment pathway. The task force is comprised of district ESE coordinators for the appropriate grade level, as well as the coordinator of school psychologists. Based on the information reviewed, the task force collaborates with appropriate staff to ensure that students are not inappropriately identified as eligible for Access Points/FSAA. Students with primary exceptionalities of SLD, Language Impaired, Visually Impaired, and/or E/BD are not appropriate for Access Points/FSAA. Students with scores on FAST assessments higher than a level 1 are not eligible.

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

In the spring of 2017, the Volusia County School District recognized the need to address the inappropriate identification of students participating in the Access Points. As a result, the FSAA Task Force, comprised of the low-incidence coordinator, elementary ESE coordinator, secondary ESE coordinator, a compliance coordinator, and the school psychologist coordinator, was created in the 2017-2018 school year, and refined based on revised state rule in 2021. The District Placement and Program Specialists bring information/data about a student that the IEP team is considering placing onto Access Points. The task force reviews the data and provides feedback to the IEP team as to whether there is sufficient information to place the student. While our District has been able to reduce the numbers of students placed in Access courses with primary exceptionalities considered inappropriate for Access courses we have also decreased the numbers of students with all other exceptionalities as well, except for ASD.

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

ELA American Indian or Alaskan Native

2.14

ELA Black, non-Hispanic

1.88

ELA Hispanic

.99

ELA Asian or Pacific Islander

.86

ELA White, non-Hispanic

.63

ELA Economically Disadvantaged

1.58

ELA English Language Learner

.76

Math American Indian or Alaskan Native

1.14

Math Black, non-Hispanic

1.44

Math Hispanic

1.10

Math Asian or Pacific Islander

3.76

Math White, non-Hispanic

.67

Math Economically Disadvantaged

1.5

Math English Language Learner

.68

Science American Indian or Alaskan Native

5.63

Science Black, non-Hispanic

2.09

Science Hispanic

1.01

Science Asian or Pacific Islander

Asian: 2.28 and Pacific Islander: 3.88

Science White, non-Hispanic

.48

Science Economically Disadvantaged

2.2

Science English Language Learner

.79

Social Studies American Indian or Alaskan Native

0

Social Studies Black, non-Hispanic

0

Social Studies Hispanic

0

Social Studies Asian or Pacific Islander

0

Social Studies White, non-Hispanic

0

Social Studies Economically Disadvantaged

0

Social Studies English Language Learner

0

If an identified risk ratio is 3 or above in any area, describe the school district's plan to address this disproportionality. This could include examining practices, such as the training and technical assistance provided to personnel on culturally responsive practices; working within a multi-tiered system of supports (MTSS) to promote best practices in screening; progress monitoring; and initial eligibility determination. School districts may also refer to their efforts to decrease disproportionality in evaluation, identification and discipline if similar efforts are made in that area.

Volusia County will address disproportionality by auditing the IEPs for the subgroup indicated to be sure our Access/Alt Assessment Considerations Process is in place, following the guidelines presented in the Rule 6A-1.0943, Florida Administrative Code (F.A.C.), January 7, 2022 memo.. Our VCS Access/Alt Assessment Considerations process consists of our District ESE coordinators, program Teachers-On-Assignment (TOAs), District psychologist, and additional assistance from our the Assistant Director of ESE, and a FLDOE representative, to analyze our current methods of identifying students that we suspect require a modified curriculum and assessment to ensure that our rubrics are culturally sensitive and unbiased and that all assessment protocols are being followed with fidelity. Following the analysis of our current protocols, professional development will be provided to all ESE administrators and teachers to ensure students are evaluated with objectivity and without bias. Our Access/Alt Assessment process: A student's IEP team observes multiple deficits in curriculum and learning, social emotional, independent functioning, communication, and, possibly, in their health. Evaluations or re-evaluations begin. Documentation of the implementation of specially designed instruction, which provides unique instruction and intervention supports that is determined, designed, and delivered through a team approach, ensuring access to core instruction through adaptation of content, methodology, or delivery of instruction and the student exhibits very limited to no progress in the general education curriculum standards. The student's IEP team collaborate to complete Volusia County's *Consideration for Access Points Instruction and Florida Alternate Assessment (FAA)* process. The data collected matches Rule 6A-1.0943, Florida Administrative Code (F.A.C.), January 7, 2022 memo. The data collected is sent to the district Access Considerations Team, consisting of ESE coordinators and district psychologists. The district team evaluates data and sends feedback back to the school's IEP team and district placement specialist for their school. The school IEP team, which includes the parent and student, with the district placement specialist facilitating, holds an IEP meeting to make a team decision for the student.

Rule 6A-1.0943, F.A.C., Statewide Assessment for Students with Disabilities

District-Specific Procedures

These are the criteria required for participation in the statewide, standardized alternate assessment as per Rule 6A-1.0943(5), F.A.C.:

Section A: The decision that a student with a significant cognitive disability will participate in the statewide, standardized alternate assessment as defined in Rule 6A-1.0943(5)(a), F.A.C., must be made by the IEP team and recorded on the IEP.

If the definition of “most significant cognitive disability” is not met according to the criteria set in Rule 6A-1.0943(1)(f)1., F.A.C., then complete Section E of this document, which satisfies Rule 6A-1.0943(1)(f)2., F.A.C.

Section B: The provisions regarding parental consent for participation in the statewide, standardized alternate assessment found in Rule 6A-6.0331(10), F.A.C., must be followed.

Section C: In order for a student to participate in the statewide, standardized alternate assessment, all of the following criteria must be met:

1. The student must receive exceptional student education (ESE) services as identified through a current IEP and be enrolled in the appropriate and aligned courses using alternate achievement standards for two consecutive full-time equivalent reporting periods prior to the assessment;

   Evidence of criteria will be provided through the student’s current IEP and student schedule.

2. The student must be receiving specially designed instruction, which provides unique instruction and intervention support that is determined, designed and delivered through a team approach, ensuring access to core instruction through the adaptation of content, methodology or delivery of instruction and exhibits very limited to no progress in the general education curriculum standards;

   Evidence of criteria will be provided through MTSS or response-to-intervention (RtI) documentation.

3. The student must be receiving support through systematic, explicit and interactive small-group instruction focused on foundational skills in addition to instruction in the general education curriculum standards;

   Evidence of criteria will be provided through MTSS or RtI documentation.

4. Even after documented evidence of exhausting all appropriate and allowable instructional accommodations, the student requires modifications to the general education curriculum standards;

   Evidence of criteria will be provided with _____ (the required IEP and school district documentation of services provided—accommodation logs, accommodation logs compared to classroom performance).

5. Even after documented evidence of accessing a variety of supplementary instructional materials, the student requires modifications to the general education curriculum standards;

   Evidence of criteria will be provided with _____ (the required IEP and school district documentation of the provision of supplementary instructional materials—may be a summary from teacher, speech-language pathologist (SLP) or other service providers).

6. Even with documented evidence of the provision and use of assistive technology, the student requires modifications to the general education curriculum standards;

   Evidence of criteria will be provided with _____ (the required IEP and school district documentation of the provision assistive technology services provided).

7. Even with direct instruction in all core academic areas (i.e., ELA, mathematics, social studies and science), the student is exhibiting limited or no progress on the general education curriculum standards, and requires modifications;

   Evidence of criteria will be provided with _____ (the required IEP and school district documentation of

the provision of supplementary instructional materials—may be a summary from teacher, SLP or other service providers).

8. Unless the student is a transfer student, the student must have been available and present for grade-level general education curriculum standards instruction for at least 70 percent of the school year prior to the assessment;

   Evidence of criteria will be provided through the student's attendance report.

9. Unless the student is a transfer student, the student must have been instructed by a certified teacher for at least 80 percent of the school year prior to the assessment; and

   Evidence of criteria will be provided through the teacher's certificate and teacher's attendance record.

10. The assessment instrument used to measure the student's global level of cognitive functioning was selected to limit the adverse impact of already-identified limitations and impairments (e.g., language acquisition, mode of communication, culture, hearing, vision, orthopedic functioning, hypersensitivities and distractibility).

    Evidence of criteria will be provided through available evaluations, medical reports or screeners provided in the past.

11. The student has a most significant cognitive disability.

Section D: A student is not eligible to participate in the statewide, standardized alternate assessment if any of the following apply:

1. The student is identified as a student with a specific learning disability or as gifted;

   Evidence of criteria will be provided through IEP and applicable evaluation results.

2. The student is identified only as a student eligible for services as a student who is deaf or hard of hearing or has a visual impairment, a dual sensory impairment, an emotional or behavioral disability, a language impairment, a speech impairment, or an orthopedic impairment; or

   Evidence of criteria will be provided through IEP and applicable data.

3. The student scored a level 2 or above on a previous statewide, general education curriculum standardized assessment administered pursuant to Section 1008.22(3)(e), F.S., unless there is medical documentation that the student experienced a traumatic brain injury or other health-related complications subsequent to the administration of that assessment that led to the student having the most significantly below-average global cognitive impairment.

   Evidence of criteria will be provided through statewide standard assessment results, if applicable.

Section E: In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, a school district will comply as follows:

More specifically, in the event when a student cannot be directly assessed, the student who has a suspected most significant cognitive disability for whom assessment via the FAA may be appropriate as defined in Rule 6A-1.0943(1)(f)1., F.A.C., will be identified through the following detailed procedure:

List the factors the school district will use to determine that a direct assessment of cognitive functioning is not achievable.

> The evaluator will attempt direct assessment. The factors the evaluator will consider include but are not limited to the following: severe communication limitations, physical restrictions, and sensory and/or behavioral limitations which impair the student's ability to participate in direct assessment.

Describe the assessment process the school district will use to determine if a student has a most significant cognitive disability in the absence of reliable direct assessment of cognitive functioning.

> The evaluator will rely on the most updated version of the Developmental Profile assessment parent and/or teacher form, or a similar assessment, as well as anecdotal observation information. In addition, the evaluator will include anecdotal records within the psychoeducational report (e.g., health/medical information, assessment/classroom observations, teacher/caregiver report, previous evaluation data, etc.).

Describe how the school district will train and monitor staff with compliance of the determination and assessment process.

> The District will train the compliance department and District Placement Specialists on the above procedures. In addition, the evaluators will be trained on the most updated Developmental Profile and/or similar developmental assessment. When presented with the above scenario (inability to complete a cognitive assessment), the evaluators will adhere to Steps 1 and 2 of this procedure. In each instance, the coordinator of school psychological services will monitor and verify that steps one and two are followed.

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.
2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

Regarding a child who is eligible for admission to public kindergarten in accordance with s.1003.21, F.S., an eligible PreK child with a disability may receive instruction for one additional school year in a PreK classroom in accordance with the child's individual educational plan (IEP) or individualized family support plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The school district's will have processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including school district procedures that ensure its participation in the transition conference and development of the IEP by age 3.

Describe the school district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities.

1. Notification:

Early Steps will send a notification list monthly via confidential email to the LEA's designee and through Move-It to the FL. Department of Education (SEA). The list will identify children turning three at least nine months before the child's third birthday, or as soon as possible for a child referred to Early Steps after 27 months of age.

Using the Service Closure Form, the Early Steps Family Service Coordinator will inform the LEA designee of any children for whom notification has been received, but who are no longer eligible based on the Early Steps Annual Review of the IFSP, or who exit for any reason after notification has taken place.

Transition Conference

Early Steps transition conferences may be held as early as 9 months but no fewer than 90 days prior to the child's third birthday. An LEA representative from the Prekindergarten (PreK) Assessment Team attends the transition conference and shares information about the school system. Early Steps documents the conference outcomes on the IFSP. Referrals can take place before, during or after the transition conference.

At the transition conference, the family, the service coordinator, the school district representative and (any other representatives participating) review the transition packet with the family and provide the family with transition resources to help them understand their role in the transition process, and to understand community options. Families can use the information to make decisions about the next steps, including scheduling appointments and gathering information.

For late referrals, the transition packet will be sent, with parent's permission, when the child becomes eligible for Early Steps and notification has been completed.

Special Circumstances

Late Entry:

A. When children are referred to Early Steps between 33 to 34 ½ months of age, Early Steps will notify the LEA and a plan will be developed for expediting the transition process.
B. Early Steps is not required to conduct an eligibility evaluation when the referral is less than 45 days before the child's 3rd birthday.

Summer Birthdays

The LEA will make provisions to hold eligibility meetings in June once notification is received.

Evaluation/Determination of Eligibility/Development of IEP Prior to Child's Third Birthday:

Within 60 days of parent consent an evaluation is completed on children referred, based upon the presenting need or condition of the child.

A. Completed evaluations are sent to the Volusia County Schools Exceptional Student Education Department (ESE).
B. The ESE Department contacts the family to schedule an Eligibility meeting, and all current service providers or agency representatives are notified and invited to attend the meeting, with parent permission.
C. The LEA will request information from all service providers as appropriate that is pertinent to the development of the IEP.
D. The eligibility committee will determine if the child qualifies under the state guidelines for special education and related services.
E. If the child is determined eligible, an Individualized Educational Plan (IEP) is developed by the IEP team, including the family, and IEP services are initiated as written. The family has the right to refuse services that have been offered. This must be documented on the IEP.
F. The district’s full continuum of services will be considered for all children who are eligible.
G. If the child is determined ineligible, or parents choose not to place their child in Volusia County School programs, other options for community programs, along with eligibility requirements, are provided to the family.

Volusia County schools may use current and relevant data received from Early Steps referrals as evidence for assigning COS entry ratings, in combination with parent input and any information gathered through initial evaluation process.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The PreK program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

    d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

    a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

        i. For PreK children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards (FELDS) are used to guide the selection of curriculum (curricula) in concert

with a knowledge and understanding of the impact of the disability on the growth and development of the child.

ii. The FELDS are used to help create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials and equipment are selected.

iii. For children birth to the age of eligibility for the Voluntary Prekindergarten program, FELDS may be used to guide the selection of curriculum, materials and equipment.

b. Modifications, adaptations and accommodations of curricula, materials and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction that is aligned with the FELDS instruction and related services may be offered in a continuum of placements and settings that may include regular, resource or special class settings in public, community-based or home-based settings.

d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations; qualified evaluators; or unique philosophical, curricular or instructional considerations for PreK children with disabilities.

- ○ The school district has provided additional information for this section in Appendix B of this document.
- ◉ There is no additional information for this section.

Section G: Individualized Family Support Plan (IFSP) for Students with Disabilities Birth Through 5 Years of Age

Students with Disabilities Ages Birth through 2 Years

Statutory and Regulatory Citations

34 C.F.R. § 303.340
Sections 1003.03, 1003.21 and 1003.57, F.S.
Rules 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, birth through 2 years of age, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children birth through 2 years of age.

Procedures

1. Contents of an IFSP, which must be written, includes

   The IFSP must be written and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;

   b. With concurrence of the family, a statement of the family's resources, priorities and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable;

   e. A statement of the natural environments in which early intervention services and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes;

   g. The projected dates for initiation of services;

   h. The IFSP must:

      i. Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, and

      ii. Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided;

   i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns and plays and individuals with whom the child interacts;

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Contents of IFSPs for children birth through 2 years of age

IFSPs developed for children with disabilities birth through 2 years of age must also include:

a. The frequency, intensity and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age 3, to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available, if appropriate; the steps required for transition include:

i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

iii. Notification information to the school district for the purpose of child find;

iv. With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and

v. Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children birth through 2 years of age include:

i. A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral; and

ii. A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parents and other participants.

b. The purpose of the periodic review is to determine:

i. The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made;

ii. Whether modifications or revision of the results or outcomes or services are necessary; and

iii. Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis to re-determine eligibility and review the IFSP and, to revise, change or modify its provisions. The results of any current evaluations, and other information available from ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

i. Conducted in settings and at times that are convenient to families; and

ii. Conducted in the native language of the family or other mode of communication used by the family unless it is clearly not feasible to do so.

e. Meeting arrangements are made, and written notice is provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parents and informed written consent from the parents is obtained prior to the provisions of early intervention services described in the plan. If the parents do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (birth through 2 years of age)Participants in the development of IFSPs (both initial and annual) for children with disabilities birth through 2 years of age must include:

a. The parent or parents of the child;

b. Other family members as requested by the parents, if feasible to do so;

c. An advocate or individual outside of the family, if the parents request that the individual participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment; and

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities birth through 2 years of age and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family;

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children birth through 2 years of age, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages 3 through 5 Years

Statutory and Regulatory Citations

34 C.F.R. §§ 300.323 and 303.340
Sections 1003.21, 1003.03 and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities birth through 2 years of age or special education and related services to children with disabilities ages 3 through 5 years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Contents of an IFSP

The IFSP is in writing and includes:

a. A statement of the child's present levels of physical development (including vision, hearing and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;

b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

e. The projected dates for initiation of services;

f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider;

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP;

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

q. The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages 3 through 5 years, or other services that may be available. The steps required for transition shall include:

i. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

ii. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

iii. With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and

iv. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages 3 through 5 are in accordance with the requirements in Rule 6A-6.03028(3)(e), F.A.C.

a. By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.

b. For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for infants and toddlers with disabilities early intervention program.

c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings (ages 3 through 5 years) include:

a. The parent or parents of the child;

b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;

c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local school district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local school district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b. through d. above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      i. Ensure that the student has all of the rights of a student with a disability who is served by a school district.

      ii. Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and

      iii. Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a.-c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the student.

6. For children ages 3 through 5 years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist, and
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence; or
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C., as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program,
    b. Characteristics of the gifted,
    c. Intellectual development and
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted.
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.

    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.

    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.

2. Curriculum

    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.

    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.

    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.

    d. The curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.

    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.

3. Instructional support

    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.

    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.

    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.

    d. Students who are gifted may indicate a need for special counseling in understanding their special characteristics.

    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.

    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

- (●) The school district has provided additional information for this section in Appendix B of this document.
- ( ) There is no additional information for this section.

Section B: Educational Plans (EPs) for Students who are Gifted

☑ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The school district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:

      i. A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and school district assessments, and evaluation results;

      ii. A statement of goals, including benchmarks or short-term objectives;

      iii. A statement of the specially designed instruction to be provided to the student;

      iv. A statement of how the student's progress toward the goals will be measured and reported to the parents; and

      v. The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services.

   b. The EP team considers the following during development, review, and revision of the EP:

      i. The strengths of the student and the needs resulting from the student's giftedness;

      ii. The results of recent evaluations, including class work and state or school district assessments; and

      iii. In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.

   c. Timelines for development of the EP include the following:

      i. An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.

      ii. An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.

      iii. Meetings are held to develop and revise the EP at least once every three years for students in kindergarten through grade 8 and at least every four years for students in grades 9 through 12.

      iv. EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:

      i. The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general

education curriculum, and participating in the determination of what services the school district will provide to the child and in what setting;

ii. At least one teacher of the gifted program;

iii. One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for the review and revision of subsequent EPs;

iv. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the school district, one of the student's teachers may be designated to serve as the school district representative;

v. An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above;

vi. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (Note: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting); and

vii. Whenever appropriate, the student.

2. Parent participation in EP meetings

The school district takes the following steps to ensure that one or both parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend.

b. Scheduling the meeting at a mutually agreed on time and place:

i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the school district uses other methods to ensure parent participation, including individual or conference telephone calls or virtual platforms.

ii. A meeting may be conducted without a parent in attendance if the school district is unable to obtain the attendance of the parents. In this case, the school district maintains a record of its attempts to arrange a mutually agreed on time and place. These detailed records include such items as:

1. Telephone calls made or attempted and the results of those calls,

2. Emails or text communications sent to the parents and any responses received,

3. Copies of correspondence sent to the parents and any responses received, and

4. Visits made to the parent's home or place of employment and the results of those visits.

iii. The school district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

b. The EP is accessible to each of the student's teachers who are responsible for the implementation of the EP, and each teacher of the student is informed of his or her specific responsibilities related to the implementation of the EP.

Part IV. Policies and Procedures for Parentally Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 C.F.R. §§ 300.130 through 300.144
Rules 6A-6.03011 through 6A-6.0361, F.A.C.
Rule 6A-6.030281, F.A.C.

Definition

Parentally placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, non-profit schools or facilities, which meet the definition of elementary school or secondary school under Rules 6A-6.03011 through 6A-6.0361, F.A.C. It does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in for-profit private schools.

Procedures

1. Policies and procedures for parentally placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally placed private school students with disabilities

   The school district will locate, identify and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally placed private school students and an accurate count of those students.

   a. Activities

      In implementing the requirements of this section, the school district will undertake activities similar to those undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its child find obligation.

   c. Completion period

      The child find process will be completed in a time comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's

residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of the Individuals with Disabilities Education Act (IDEA) by providing them with special education and related services, including direct services determined in accordance with 12 and 13 below, unless the U.S. Secretary of Education has arranged for services to those students under the bypass provisions in 34 C.F.R. §§ 300.190 through 300.198.

   a. Services plan for parentally placed private school students with disabilities

      A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

The school district has the option to include model forms regarding the transfer of parental rights at the age of majority.

- ○ The school district's model forms can be found in Appendix A of this document.
- ◉ There are no additional forms for this section.

4. Provision of services for parentally placed private school students with disabilities – basic requirement (continued)

   b. Record keeping

      The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally placed private school students covered:

      - The number of students evaluated,
      - The number of students determined to be students with disabilities and
      - The number of students served

5. Expenditures

   To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally placed private school students with disabilities:

   a. For children and students aged 3 through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 21.

   b. For children aged 3 through 5 years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged 3 through 5.

   c. Children aged 3 through 5 years are considered to be parentally placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in a. and b. above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally placed students with disabilities attending private schools located in the school district. (See Appendix B to Part 300 of IDEA regulations for an example of how proportionate share is calculated.)

7. Annual count of the number of parentally placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally placed private school students with disabilities, determine the number of parentally placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count will be used to determine the amount that the school district will spend on providing special education and related services to parentally placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

State and local funds may supplement, but in no case supplant, the proportionate amount of federal funds required to be expended for parentally placed private school students with disabilities.

9. Consultation with private school representatives

To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

a. The child find process, including how parentally placed private school students suspected of having a disability can participate equitably and how parents, teachers and private school officials will be informed of the process.

b. The determination of the proportionate share of federal funds available to serve parentally placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated.

c. The consultation process among the school district, private school officials, and representatives of parents of parentally placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally placed students with disabilities identified through the child find process can meaningfully participate in special education and related services.

d. Provision of special education and related services; how, where and by whom special education and related services will be provided for parentally placed private school students with disabilities, including a discussion of:

i. The types of services, including direct services and alternate service delivery mechanisms.

ii. How special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school students. and

iii. How and when those decisions will be made.

e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract.

10. Written affirmation

When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

Describe the school district's procedure for ensuring meaningful consultation and obtaining written affirmation with representatives of participating private schools to include the following:

- **How the school district selects, identifies and records participating private schools for this consultation,**
- **How frequently and in what format consultation occurs, and**
- **Specify personnel (by role or title) identified as the school district lead for this process.**

Volusia County Schools follows a detailed procedure to ensure meaningful consultation and obtain written affirmation from representatives of participating non-profit, private schools, outlined as follows: Selection, Identification, and Recording of Participating Private Schools

Selection and Identification: Several times a year, VCS retrieves a comprehensive list of all non-profit, private schools within its jurisdiction from the FLDOE website. VCS reviews the list to identify any new private schools that have been added throughout the school year. VCS uses the contact information for the School(s) including: Director name, school address, school phone number, and email address provided on the FDOE list, to contact private schools. **Notification:** VCS emails all directors of non-profit, private schools a notice of the anticipated date for meaningful consultation approximately one month prior to the consultation and requests that the director post notice of the meeting at their schools, as well as forward the email to the parents of parentally placed private school students attending their school. VCS also posts the Notice on their website inviting parents to attend. Additionally, the email informs the Director that a formal invitation to participate in meaningful consultation will be sent to the Director, at the address registered with FDOE, via certified mail. The email, and the certified letter, include information regarding the receipt of a meeting invite with instructions on how to participate virtually.

VCS sends formal invitations, via certified registered US mail to the directors of all non-profit, private schools, as well as an email informing them about the opportunity for consultation and participation in the parentally placed private school program. Directors are encouraged to forward the email to parents to encourage their participation.

Records: Each private schools' attendance is recorded, noting the date of contact, whether the invitation was accepted or declined, the individual attending from the private school, and the details of any follow-up actions required. VCS documents the returned, signed receipts from the certified mailing and the envelopes that were refused or returned to sender.

Frequency: Consultations are scheduled to occur at least twice a year. The first meeting is held at the beginning of the school year to discuss: the requirements of VCS as it relates to all private schools, the referral process for a student suspected of having a disability through VCS as well as Child Find, the MTSS procedures, evaluations, timelines for the evaluations to be completed, and the determination of eligibility. Both direct, and indirect services, provided to students at non-profit, private schools by VCS and the Federal Child Count procedure are also discussed at this meeting. A second meeting is held mid-year to review the requirements of VCS as it relates to non-profit, private schools, review progress, address any issues, and plan for the following year. Video recordings of both meetings are posted on VCS website and emailed to directors of all non-profit, private schools.

Format: • Initial Consultation: An initial virtual meeting is organized to establish contact with all private schools in an effort to familiarize them with the policy and procedures outlining the Child Find process, MTSS process, and related services offered to private schools, as well as outline the consultation process as the year progresses.

• **Ongoing Communication**: Regular updates and feedback sessions are conducted through emails, phone calls, and virtual meetings as necessary.

• **Formal Consultation**: At least one formal, in-person or virtual meeting is held annually to ensure all parties are well-informed and to address any concerns.

Personnel Leading the Process • District Lead: The process is overseen by the School Choice & Charter Specialist. This individual is responsible for initiating contact with private schools, scheduling consultations, and ensuring compliance with all relevant regulations. • Support Team: The Specialist is supported by a team that typically includes the following roles: • Program Specialist: They handle the logistics of meetings and communications. Program Specialists present information on the referral process, professional development opportunities for teachers and staff, and direct and indirect services provided to all non-profit, private schools. • Budget Specialist: They ensure that funding and resource allocations are appropriately managed through proportionate share. • Office Specialist: They maintain records, manage correspondence, and facilitate smooth communication between the district and private schools. • FDLRS: FDLRS assists in the location, identification, evaluation, and initiation of appropriate education or other needed services for children and youth, birth through 21 years of age who have, or are at risk of developing, special or unique needs and are not enrolled in public school. • Coordinator for Psychological Services: Provide guidance and instruction on IPST, to support teachers and parents by generating effective research- based academic and behavioral strategies for individual targeted students.

Written Affirmation • After the Annual consultation meeting, VCS ensures that written affirmation of the consultation is obtained from the private school representatives. This document confirms that the consultation process has occurred, was meaningful, and that the private school representatives are aware of the proposed services and support in the upcoming year. The Affirmation is emailed to the directors of non-profit, private schools via Adobe secure mail and digital signatures are obtained• The signed affirmation is documented and stored in the Parentally Placed Private School department's records for accountability and future reference. By adhering to this structured procedure, Volusia County Schools ensures that consultations with private school representatives are meaningful, consistent, and compliant with all relevant guidelines.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to the FDOE the basis of the noncompliance by the school district with the applicable private school provisions. The school district will then forward the appropriate documentation to the FDOE. If the private school official is dissatisfied with the decision of the FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance. The FDOE will then forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the

school district will provide to the student, per the school district's determination of services it will make available to parentally placed private school students with disabilities.

c. The services plan will be developed, reviewed and revised consistent with the requirements for IEP development, review and revision.

14. Equitable services provided

a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization or other entity.

b. The services provided to parentally placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally placed private school students with disabilities are not required to meet the highly qualified special education teacher requirements under Florida law.

c. Parentally placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

d. Special education and related services provided to parentally placed private school students with disabilities, including materials and equipment, must be secular, neutral and non-ideological.

15. Location of services and transportation

a. Equitable services to parentally placed private school students with disabilities may be, but are not required to be, provided on the premises of private schools.

b. If necessary for the student to benefit from or participate in the services, a parentally placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

c. The school district is not required to provide transportation from the student's home to the private school.

d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

a. Except as provided herein, the procedures related to procedural safeguards, mediation and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures are applicable to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

b. Any request for a due process hearing regarding the child find requirements must be filed with the school district in which the private school is located, with a copy forwarded to the FDOE.

17. State complaints

a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives or personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in Rule 6A-6.03311, F.A.C.

b. A complaint filed by a private school official under this section will be filed with the FDOE in accordance with its state complaint procedures, as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally placed private school students with disabilities, if those services are not normally provided by the private school.

b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services, if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

The school district will not use funds available under IDEA for classes that are organized separately based on school enrollment or religion of the students, if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

a. The school district will control and administer the funds used to provide special education and related services, and hold title to and administer materials, equipment and property purchased with those funds, for the uses and purposes provided in this section.

b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes, or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No IDEA funds will be used for repairs, minor remodeling, or construction of private school facilities.

Section B: Family Empowerment Scholarship for Students with Unique Abilities

Statutory and Regulatory Citations

Chapter 1002, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.394, 1002.395, 1002.66 and 1005.02, F.S.
Rule 6A-6.0952, F.A.C.

Definition

Effective July 1, 2022, the McKay Scholarship Program was repealed and joined the Family Empowerment Scholarship Program under the Unique Abilities (FES UA) category, which provides children of families with limited financial resources with education options to achieve success in their education.

The following are defined as they relate to the FES UA:

1. “Approved provider” means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
2. “Curriculum” means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
3. “Department” means the Florida Department of Education.
4. “Disability” means, a 3- or 4-year-old child or for a student in kindergarten to grade 12, and any of the following:
    a. Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.063, F.S.;
    b. Cerebral palsy, as defined in s. 393.063, F.S.;
    c. Down syndrome, as defined in s. 393.063, F.S.;
    d. Intellectual disability, as defined in s. 393.063, F.S.;
    e. Speech impairment;
    f. Language impairment;
    g. Orthopedic impairment;
    h. Other health impairment;
    i. Emotional or behavioral disability
    j. Specific learning disability, including, but not limited to, dyslexia, dyscalculia or developmental aphasia;
    k. Phelan-McDermid syndrome, as defined in s. 393.063, F.S.;
    l. Prader-Willi syndrome, as defined in s. 393.063, F.S.;
    m. Spina bifida, as defined in s. 393.063, F.S.;
    n. For a high-risk child, meaning a child aged 3 to 5 years of age with a developmental delay in cognition, language or physical development, as defined in s. 393.063(23)(a), F.S.;
    o. Muscular dystrophy;
    p. Williams syndrome;
    q. Rare diseases (which affect patient populations of fewer than 200,000 individuals in the United States) as defined by the National Organization for Rare Disorders;

r. Anaphylaxis;

s. Hearing impairment (including deafness);

t. Visual impairment (including blindness);

u. Traumatic brain injury;

v. Hospital or homebound; or

w. Dual sensory impairment, as defined by Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.

5. “Eligible nonprofit scholarship-funding organization” as defined in s. 1002.395, F.S.;

6. “Eligible postsecondary institution” means any of the following:

   a. Florida College System institution;

   b. State university;

   c. School district technical center;

   d. School district adult general education center; or

   e. An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.

7. “Eligible private school” means a private school, pursuant to s. 1002.01, F.S., that is located in Florida and offers an education to students in any grade from kindergarten to grade 12.

8. “IEP” means an individual educational plan.

9. “Inactive” means that no eligible expenditures have been made from an account funded by the Family Empowerment Scholarship.

10. “Parent” means a resident of this state who is a parent, as defined in s. 1000.21, F.S.

11. “Program” means the Family Empowerment Scholarship Program.

Eligibility Criteria for the FES UA

A parent of a student with a disability may apply for and receive from the State a scholarship for the purpose specified in paragraph (4)(b), if the student:

1. Is a resident of this state or the dependent child of an active duty member of the Unites States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida;

2. Is 3 or 4 years of age during the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in the state;

3. Has a disability as defined in subsection (2); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under Chapter 458 or 459, a psychologist who is licensed under Chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

Scholarship Prohibitions

A student is not eligible for a Family Empowerment Scholarship while:

1. Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholarships Academy, a developmental research school, authorized under s.1002.32, F.S., or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;

2. Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

3. Receiving any other educational scholarship in pursuant to this chapter. However, an eligible public school student receiving a scholarship under s.1002.411, F.S. may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;

4. Not having regular and direct contact with his or her private school teachers, pursuant to s. 1002.421(1)(i), F.S., unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s.1002.14, F.S.;

5. Participating in a private tutoring program in accordance with s. 1002.43, F.S.; or

6. Participating in a virtual school, correspondence school or distance learning program that receives state funding pursuant to the student's participation.

School District's Obligations and Parental Options

School district's obligations and parental options include the following:

1. The school district shall notify a parent who has made a request for an IEP that the school district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;

2. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education Rule 6A-6.03028(3)(f)2., F.A.C;

3. The school district shall provide for state assessments to students, upon parental request;

4. Pursuant to s.1002.394(7)(c)1, F.S., within 10 days after an IEP meeting is held, a school district shall notify the parent of a student of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school in the school district;

5. The parent is not required to accept the offer of enrolling the student in another public school in lieu of requesting a scholarship. However, if the parent chooses the public school option, the student may continue attending the public school chosen by the parent until the student graduates from high school;

6. The parent may choose another public school in the school district, and the school district shall provide transportation to the public school selected by the parent; and

7. The parent may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district that has available space and has a program with the services agreed to in the student's IEP already in place, and that school district shall accept the student and report the student for purposes of the school district's funding pursuant to the Florida Education Finance Program.

☑ I have read and understand the above information.

***Note:** Due to proposed changes to HB 1403, s. 1002.394(3)(b), F.S. and s. 1002.394(6), F.S., these statutes will be effective July 1, 2024.

Part V. Appendices

Appendix A: General Policies and Procedures

1. Procedural Safeguards for Students with Disabilities

One of the following must be selected:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

2. Procedural Safeguards for Students Who Are Gifted

One of the following must be selected:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

☐ This requirement is not applicable for the Florida Department of Corrections.

3. Transfer of Parental Rights at Age of Majority

4. Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Appendix B: Unique Philosophical, Curricular or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

- [ ] Evaluations
- [ ] Qualified Evaluators
- [ ] Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard of Hearing

- [ ] Evaluations
- [ ] Qualified Evaluators
- [ ] Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

- [x] 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
- [x] Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- [ ] Evaluations
- [ ] Qualified Evaluators
- [x] 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
- [x] Unique Philosophical, Curricular or Instructional Considerations

Other

Appendix C: School District Plan to Increase the Participation of Underrepresented Students in the Program for Students Who Are Gifted

Current Status

Provide the following data:

Total Student Population

Total Number of Students

62,518

Total Number of Gifted Students

3,216

Percent of All Gifted Students

5.1%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Number of LEP Students

3,422

Number of LEP Gifted Students

14

Percent of LEP Gifted Students

0.41%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

0.44%

*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

38,675

Number of Low SES Gifted Students

691

Percent of Low SES Gifted Students

1.79%

Percentage of Low SES Gifted Compared to Total Number of Gifted Students

> 21.49%

*In order to calculate the "Percentage of Low SES Gifted Compared to Total Number of Gifted Students", divide the number of Low SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

** Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category

School District Goal

Provide the school district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted categories.

> The district's goal is to increase access to gifted programming for underrepresented youth within Volusia County Schools. Target groups are those who are determined to be Limited English Proficient (LEP) and/or have Low Socio-Economic Status (SES). The goal for increase in the 2024-2025 school year for LEP is to reach 1% (an increase of 0.46%) and for Low SES is to reach 22% (an increase of 0.51%). Over the next three years, the goal for LEP is to reach 1.5% (an increase of 1.46%) and for Low SES to reach 25% (an increase of 3.51%). The plan for achieving these goals is listed below and explained in the attachments: • Universal screening of all 2nd grade students using NNAT3 • On-going collaboration with ESOL Specialist and District Personnel • Providing Professional Learning for ESOL teachers • Providing Professional Learning for School Counselors

The school district's plan addressing each of the following areas is included as an attachment.

1. Screening and Referral Procedures

2. Student Evaluation Procedures

3. Eligibility Criteria

4. Instructional Program Modifications or Adaptations

5. School District Evaluation Plan

Appendix D: School District Policies Regarding the Allowable Use or Prohibition of Restraint

Select from the following:

- [x] This Exceptional Student Education P&P serves as the school district's policy regarding the allowable use or prohibition of restraint of students with disabilities.

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

- [x] This section is not applicable for the district.

Section 1002.32, F.S., establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

Section 1003.57(1)(f), F.S., establishes the following requirement for school districts, “Once every three years, each school district and school shall complete a BPIE assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district’s exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the school district and school team levels.”