

**FLORIDA DEPARTMENT OF EDUCATION**

**DIVISION OF K-12 PUBLIC SCHOOLS**

**BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES**

**School District**

**Osceola**

**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.**

On the day of restraint/seclusion: The person implementing the restraint will immediately notify the school administrator of the incident. The school administrator will ensure the student is examined by the school nurse, or in the absence of the nurse, the administrator. The school administrator collects information and reviews the restraint documentation log with the staff involved. Two copies of the notification letter must be sent home to the parent(s) on the day of the restraint incident. Copies of the letter are given to the parent(s) in person or by e-mail after the parent has been notified. One copy is for the parent records and one copy is to be signed and returned to the school

### **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 school administrator completes the notification letter to parent(s) before the end of the school day in which the restraint occurs. Copies of the letter are provided to the parent(s) in person if they come to the school or by email after the parent(s) have been notified.

### **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 school administrator will contact the parent(s) about the restraint on the day of the incident. The school administrator will make reasonable efforts to contact the parent via telephone, email, or both. The school administrator will document all efforts to contact the parent(s).

### **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.**

A copy of the signed notification letter is maintained in the school's restraint computer files or binder located at the school. If the parent fails to respond to the initial written notice, a minimum of two additional attempts will be made to obtain signed parent acknowledgment of the initial written notice. Documentation of the two additional attempts will be kept in the school's restraint records. The school-based administrator provides a copy of the signed notification letter and/or documentation of the two additional attempts to the ESE Department.

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 school administrator is responsible for preparing the incident report within 24 hours a restraint is used

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

The school administrator will provide the parent(s) or guardian(s) with a completed incident report in writing, by mail, within three(3) school days of the restraint.

### **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 final restraint incident report with the parent's signature is kept in the school's electronic file or restraint notebook. A copy is forwarded to the Exceptional Student Education Department. If the parent fails to provide a signed acknowledgment of the incident report, a minimum of two additional attempts will be made to obtain the signed parent acknowledgment of the receipt of the incident report. The school administrator will call, email, mail the report, or send it home with the student in an attempt to get a signed acknowledgment. Documentation of the two additional attempts will be kept in the school's restraint electronic file or notebook.

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

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

The District monitors the implementation of restraint practices via the FL DOE Restraint reporting site weekly. Charter Schools, DJJ facilities, and contracted residential facilities are required to follow the same procedures as district public schools when reporting the use of restraint. They must contact the district's ESE Department, Supervisor of Behavior Programs, on the day a restraint occurs. The Supervisor of Behavior Programs monitors each incident at Charter School, DJJ facility, or contracted residential facilities once they have been reported and a draft has been created. The Supervisor of Behavior Programs provides a summary of the data collected and reports to each facility administrator quarterly. The Supervisor of Behavior Programs monitors the implementation of restraint practices daily. Each restraint report is reviewed on the day of the incident. The Supervisor of Behavior Programs contacts the administrators via phone or email.

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

**Specify members responsible for developing the crisis intervention plan.**

The crisis intervention plan is developed during an IEP meeting. The LEA will provide a copy of the crisis intervention plan to the parent(s) or guardian(s) at the end of the IEP meeting.

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

The crisis intervention plan is provided to the parent at the end of the IEP meeting. If the parent attended the meeting virtually, then the crisis intervention plan will be sent to the parent or guardian with the student, emailed, or by mail 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.**

The school district monitors the implementation of crisis intervention plans by reviewing the effectiveness of the plan, at least one time per year. The school district reports the crisis intervention plan requirements to public schools, charter schools, DJJ facilities, and contracted residential facilities by sending the staffing specialist an email informing them the student has been restrained two or more times, and per House Bill 149, they must develop a crisis intervention plan. The ESE Department informs school staff who they must invite to the meeting, as described by HB149.



## **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?**

The schools and school district are responsible for reviewing restraint/seclusion data monthly.

**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.**

The school administrator is responsible for collecting and reviewing the restraint/seclusion data and sharing it with school members. The school administrator reports all restraints/seclusions to the ESE Department. The school administrator provides a copy of the signed notification letters and incident reports

**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.**

The Supervisor of Behavior Programs will monitor the DOE Restraint/Seclusion website weekly and provide an update to the ESE Director monthly. District data from the Department of Education's website will be compiled monthly, by the Supervisor of Behavior Programs, and shared monthly with pertinent district ESE staff, to evaluate the extent to which the use of manual physical restraint or seclusion is being used, and if those methods align with district policies including reporting requirements. If district policies are violated, the situation(s) will be investigated and corrective action taken, on a case-by-case basis by the ESE Department.

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 use of restraint on students shall be monitored at the classroom, building, district, and state levels. The Director of ESE and Supervisor of Behavior Programs will be responsible for the oversight of the monitoring process. During episodes of physical restraint, a staff member must witness the restraint, using the restraint documentation log. School-based administrators will contact the ESE Department by phone and/or by emailing the notification letter, on the day of the incident. The Supervisor of Behavior Programs monitors the DOE Restraint/Seclusion web-based reporting system to ensure the draft is entered within 24 hours of the incident and the incident report is finalized and provided to the parent within three(3) school days of the incident. The school administrator will document attempts to contact the parent. Each school shall maintain a restraint notebook. The signed notification letter and final incident report for each restraint shall be kept in this notebook. Schools will upload the information electronically to the ESE Restraint/Seclusion Records for the school year. Copies of the notification letter and final incident report with parent acknowledgment will be uploaded to the ESE Restraint/Seclusion Records file. The supervisor of Behavior Programs will monitor the file containing a signed copy of the notification letter and final incident report. A checklist is kept to monitor the completion of steps, including attempts to obtain written parent acknowledgment of initial written notice and final incident report. A summary of the data collected and reported will be provided to each school Principal every quarter by the Supervisor of Behavior Programs. Upon knowledge of a violation of district policy, the Exceptional Student Education Staff (Director of ESE, Coordinator of ESE, or Supervisor of Behavior Programs) will notify the school-based administrator of the violation for clarification. If district policy has been violated, the situation will be corrected.

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

The Supervisor of Behavior Programs reviews each restraint incident report and monitors when, where, and why students are restrained. The Supervisor of Behavior Programs speaks with school-based administrators responsible for reporting the restraint into the system on the day of the incident provides feedback on the incident report and discusses classroom or student needs. The Supervisor of Behavior Programs will discuss with the school administrator any staff or student injuries to determine the need for training. This information is analyzed weekly to determine which classrooms or students need additional behavioral support. The district behavior support team is assigned to the classroom to provide support. They are responsible for modeling behavior strategies and providing feedback to the Supervisor of Behavior Programs during weekly meetings and notes from the classroom visits. Additionally, when a student is restrained more than one time within the school year, the program specialists will be informed so that when they visit schools they can offer support, as needed. The level of support is determined by the data which involves the frequency and severity of the behaviors that place the student at risk of being restrained. Supports include modeling the implementation of the behavior intervention plan, revision of the behavior plan, or initiation of a Functional Behavior Assessment/Behavior Intervention Plan. Students who are restrained are monitored throughout the school year to ensure their safety and well-being by analyzing restraint data and visiting the classroom monthly.

**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.**

School-Based Administrators are responsible for monitoring restraints on an ongoing basis and working with their school and classroom personnel. Additionally, the Supervisor of Behavior Programs will send a report to each school administrator quarterly, with a summary of the restraints implemented within their school. The school-based administrator will share restraint data with school and classroom personnel directly involved in the use of restraint. Based on an assessment of the data, school-based staff will develop, revise, and implement effective behavior strategies and instructional practices for students who are frequently restrained. The Supervisor of Behavior Programs will work in collaboration with school-based administrators to assist in the process. When a student is restrained two (2) or more times within a semester, the IEP team reconvenes to develop the crisis intervention plan in conjunction with the parent, school staff, and behavioral professionals. During the IEP meeting, the team decides the frequency in which they will review the crisis intervention plan. A copy of the crisis intervention plan, with a review date, is provided to the parent at the end of the IEP meeting or sent home within 10 school days.

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

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

The School District of Osceola County has selected the Nonviolent Crisis Intervention Training Program (CPI) for manual physical restraint. Training is provided by a certified CPI instructor, accredited through the Crisis Prevention Institute, Inc. District procedures regarding restraint/seclusion are reviewed during training. Charter School and District staff working in DJJ facilities are invited to attend this training. The district does not currently contract with a residential facility for the 2024-2025 school year.

**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.”**

The School District of Osceola County has multiple district CPI instructors who provide ongoing training throughout the school year. Each instructor has been certified by the Crisis Prevention Institute and maintains trainer certification bi-annually as required by the Institute. The district offers a 2-day CPI training as the initial training. After the initial training, the district offers 1 Day CPI Refresher training for those trained staff members annually. Staff members must take the annual 1 Day CPI Refresher to keep their status active. The ESE Department keeps track of all staff members who take the CPI Training.

**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.**

The CPI training is open to all employees, however, the ESE Department gives priority to those staff members working directly with students who exhibit challenging behaviors or work in self-contained classrooms. The ESE Department provides schools with a list of CPI-trained staff two times a year. School personnel can request the list of CPI-trained staff anytime during the school year. The ESE Department keeps records of all district employees who attend the CPI training.

**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.

N/A

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

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

The School District uses Non-Violent Physical Crisis Intervention (CPI) and Verbal Intervention from the Crisis Prevention Institute. The School District also provides PBIS training from the University of South Florida. The school district based decisions on data by analyzing the restraint and discipline referral data.

**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.**

The Non-violent Physical Crisis Intervention (CPI) training is ongoing throughout the year. The Exceptional Student Education Department and Student Services Department work in collaboration to provide Verbal Intervention training throughout the year. The Student Services Department provides PBIS training to Deans, MTSS Coaches, and School Teams. School teams are invited to attend PBIS training for a full day. Teams include the leadership team, administrators, and instructional staff. The training offered are PBIS, MTSS Behavior, Analyzing Behavior Data, Restorative Practices, Bullying Prevention, CHAMPS, and Classroom Management. School-site support in the implementation of PBIS and MTSS Tier 2 and Tier 3 behavior interventions is provided upon request. The trainings are provided by the PBIS & Bullying Specialist and K-12 MTSS Behavior Support Specialist.

**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.**

School Teams select the personnel to be trained in the use of PBIS. School teams that have not attended a PBIS training are encouraged to attend training. The selection of personnel includes deans, MTSS coaches, and school-based administrators. The team provides training to Deans and MTSS coaches monthly. They are responsible for training the school teams. The school district maintains records of all professional developments in the MyPGS system.

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

Yes

No

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

The school district of Osceola County currently does not contract with a residential facility. All Charter School and DJJ facilities are welcome to attend all PBIS training offered by the district.

## 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).**

The School District of Osceola County's measurable annual goal for the 2023-24 school year for reducing the incident of restraint was 3% of the total number of restraints from the previous 2022-23 school year.

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

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

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

The total number of incidents of restraints for the 2022-23 school year was 181.

**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.**

The percentage of increase for the 2022-23 school year was less than 1 % (181) from the previous year, 2022-23 (180). The reasons for the increase in the number of incidents of restraints during the 2022-23 school year when compared to the previous year are hypothesized to be due to 1. The district has four schools with 10 or more restraints, which constitutes 29% of the total number of restraints.

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

Twenty-four (24) students were restrained two or more times within the same semester.

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

There were zero (0) students who were restrained 15 or more times during the school year.

**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.**

The district does not have a policy that prohibits the use of prone restraint. The district has a policy that personnel shall not use a manual physical restraint that restricts student's breathing. The district utilizes the Nonviolent Crisis Intervention Training (CPI) program to train staff on the use of restraint. Staff working directly with students exhibiting significantly high levels of aggression may be trained in Nonviolent Crisis Intervention Training (CPI) Advance Skills, where students are in a prone supported position. Only staff that is trained in the CPI Advance Skills can place a student in a prone position during a physical restraint. A supported prone position is when a student is lying on their stomach during a physical restraint. During prone restraint, staff lie next to the student, managing the student's arm. The student has adequate room so the chest and abdomen can expand. Staff does not restrict the student's breathing or place any pressure on the student's back during the prone supported position. Staff may engage in a supported prone position during a physical restraint when they have exhausted other interventions including the standing position without success and the potential risk of using a prone supported position is significantly less than not utilizing the technique. The district will continue to provide training opportunities in Nonviolent Crisis Intervention Training (CPI), and require staff to refresh annually. The district will only train specific staff in the use of prone restraints using the Nonviolent Crisis Intervention Training - Advance Skills Program. If a restraint used is not consistent with the Nonviolent Crisis Intervention Training Program (CPI), the situation will be reviewed on a case-by-case basis and corrective feedback with any needed additional follow-up support will be provided.

**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.**

N/A

**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 data on the use of restraint was reviewed by primarily exceptionality, race, ethnicity, gender, and the type of restraint used. The total number of restraints for the 2022-23 school year was 181. Out of 112 students involved in physical restraints, 101 (90%) were males, while 11 (10%) were female students. Of the 112 students involved in restraints, 76 (68%) were White, 23 (20%) were Black/African American, 10 (9%) were of two or more races, 2 (1.7%) were American Indian/Alaskan Native, and 1 (<1%) were Asian. Out of the 76 White students involved in physical restraints, 48 (63%) were of Hispanic ethnicity. Out of 23 Black/African American students, (91%) were of Hispanic ethnicity. Out of the 10 two or more races students involved in physical restraints, 5 (50%) were of Hispanic ethnicity. Out of the 2 American Indian/Alaskan Native, 1 (50%) were of Hispanic ethnicity. Out of 1 Asian student who was involved in a physical restraint, zero were of Hispanic ethnicity. Data reviewed for the total number of students (112) involved in physical restraints, 36 (32.1%) out of the students were identified as ASD, 26 (23.2%) with EBD; 16 (14.3%); OHI; 10 (8.9%) ID; 8 (7.1%) DD; 5 (4.5%) Section 504; 4 (3.6%) SLD; 3 (2.7%) Gifted; 3 (2.7%) with no exceptionality; and 1 (<.01%) LI. The data review of the total number of restraints (181) for the 2022-23 school year indicates the use of CPI/NCI techniques 124 (68%); emergency 52 (29%); and not identified 5 (4.5%). Out of the 124 physical restraints using CPI/NCI techniques, 2 were immobilization while in transport, 1 mechanical, 4 prone position, 38 seated position, and 79 standing position. Out of the 52 restraints identified as emergencies, 8 were immobilization while in transport, 15 mechanical, 1 prone position, 8 seated position, 14 standing position, and 6 supine position.

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

The data reviewed from the 2022-23 school year and during the problem-solving process led the district to work towards an annual plan to reduce the use of restraints during the 2023-24 school year; due to identifying that twenty-six students were restrained two or more times; the goal is to reduce multiple restraints during the school year. The district will provide behavior support that includes coaching staff, modeling behavior principles, and developing of crisis plan that focuses on the de-escalation of aggressive behaviors. The problem-solving process included: 1. identifying students who have multiple restraints and providing behavioral supports needed to reduce target behaviors and the use of restraints when students were in crisis; 2. Identifying schools that frequently use restraints during a crisis and providing them with behavior supports that include coaching, modeling of behavior principles, and development of a crisis intervention plan; 3. Providing professional development to staff working directly with students exhibiting challenging behaviors or at risk of being restrained repeatedly; 4. Monitoring and analyzing restraint data monthly; and 5. identifying specific areas and assigning district staff to those critical areas.

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?**

When a student is restrained two (2) or more times during a semester the IEP team reconvenes to develop or review the crisis intervention plan. The IEP team includes parents/guardians, school personnel, and behavior professionals. The IEP team reviews data and updates the behavior intervention plan (BIP), as needed. If the student does not have an FBA/BIP, the team reviews behavior data and discusses issuing consent to develop an FBA/BIP. During the IEP meeting, the team decides when they will meet again within the semester to review the crisis intervention plan and update it as needed. Crisis Intervention Plans are reviewed annually during the annual IEP meeting, however, some are reviewed more often due to the severity of the student's behaviors and that is decided during the IEP meeting.

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

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

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

The district activities to reduce the use of restraint for the 2023-24 school year include: 1. Provide professional development opportunities for teachers and paraprofessionals in Basic Behavior Principles; 2. Increase school capacity to effectively develop behavior intervention plans that target the reduction of aggressive behaviors; 3. Problem Solve with school administrator and ESE support staff to make data-driven decisions on effective behavior strategies that support the reduction of the use of restraint; 4. Assist school-based staff with the implementation of student-specific behavior strategies following a behavior skills training model; 5. Review, revise, and evaluate BIP effectiveness on individual behaviors that result in repeated restraints; 6. The district will work in collaboration with schools on alternatives to restraints in crises by developing student-specific crisis plans utilizing the Crisis Development Model in the Nonviolent Crisis Intervention Program to identify students' anxiety levels early to de-escalate a potential crisis. The Crisis Development Model includes each behavior clearly defined with appropriate staff responses to those behaviors at each level; 7. The district will continue in collaboration with CARD (Center of Autism and Related Disabilities) and SEDNET (Multi-agency Network for Students with Emotional/Behavioral Disabilities) to provide technical assistance to staff working with students eligible for services through the ASD and EBD programs. A review of the district's restraint data indicated that students identified with an ASD or an EBD exceptionality have a significantly higher number of restraints compared to students of other exceptionalities; 8. ESE Staff will identify students from the previous school year, who have significant behavior challenges and/or have been restrained more than two times and work with school staff to provide the appropriate behavior supports at the beginning of the school year; 9. Ensure schools with students with severe behaviors have a Non-Violent Crisis Prevention (CPI) team; 10. Assist schools with school-wide crisis plans where staff, according to the restraint data, have reported high numbers of restraints; 11. Provide Non-violent Crisis Prevention (CPI) training - Advanced Skills to CPI teams to minimize the use of restraints and reduce staff getting injured when working with students who exhibit high levels of physical aggression and/or self-injurious behaviors during the de-escalation process; 12. The district will update the list of staff members trained in the Non-violent Crisis Prevention Program quarterly to ensure schools have a viable team conducive to immediate response when students are in crisis; 13. The district will analyze behavior data of students with significantly high levels of aggressive behaviors who are at risk of being restrained bi-monthly and identify patterns. If data shows an upward trend in target behaviors, the district will increase the level of behavior support.



## 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.**

The district has a school board policy that prohibits the use of seclusion, This policy is reviewed with staff attending the Nonviolent Crisis Intervention Training Program (CPI) and when school-based administrators attend the DOE Reporting the Use of Restraint and Seclusion Procedure Training. The district informs participants that seclusion is prohibited by House Bill 149. At the beginning of the school year, the ESE department sends an email to all school-based administrators regarding the CPI training schedule and a reminder that House Bill 149 and the School Board prohibit the use of seclusion in our schools and how to proceed if a seclusion incident occurs. If seclusion is reported, the district follows the reporting procedures, meets with the school administrator, and provides training to the staff that used seclusion.

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

**Statutory and Regulatory Citations**

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

**Full Educational Opportunity Goal**

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

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

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

**Ages of Students Served**

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

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

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

- Yes
- No

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

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

- Yes
- No

## Section B.2: Parental Input and Meetings

### Parental Input and Meetings

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

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan; the development of an individual educational plan; the development of a 504 accommodation plan issued under section 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting.

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

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

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

### **Collaboration of Public and Private Instructional Personnel**

Section 1003.572, F.S., provides:

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

### **Written Agreements**

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

d. Funding programs; and

e. Dissolving the agreement.

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

Yes

No

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

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

Yes

No

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

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

Yes

No

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.2(b)(1)

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

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

### **Juvenile Justice Facilities**

1. In accordance with s. 1003.01(14)(b), F.S., “Juvenile justice provider” means the Department of Juvenile Justice (DJJ); the sheriff; or a private, public or other governmental organization under contract with the DJJ or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention or commitment programs.
2. The district school board of the county in which the residential or nonresidential DJJ facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. School districts have the option of providing the education services directly or may enter into an education services contract with a private provider.

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

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

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

Upon entry, the School District of Osceola County, FL completes a review of records for each student. If the student is identified as a student with a disability, the student will be scheduled for an IEP Transfer Placement meeting to develop an Individual Education Plan that reflects the student’s current educational needs. Students with IEPs can be educated until the age of 22. Appropriate instructional personnel are assigned based on the results of that meeting.

### **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.**

During the IEP Transfer Placement meeting, any available data (including grades, state or standardized assessments, evaluations, prior IEP progress reports, etc.) are reviewed to determine the services needed to access FAPE. Once needs are determined, the School District of Osceola County, FL will work with the facility to ensure that services are provided.

### **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.**

Upon entry, the School District of Osceola County, FL completes a review of records for each student. If the student is identified as a student with a disability, the student will be scheduled for an IEP Transfer Placement meeting to develop an Individual Education Plan. An IEP will be developed that reflects the student's current educational needs. Students with IEPs can be educated until the age of 22. Appropriate instructional personnel are assigned based on the results of that meeting.

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

The School District of Osceola County, FL will review the services listed on a student's IEP (conducting a Transfer Placement IEP meeting, if necessary) to determine the service needs of the student. The school district will then collaborate with the facility to ensure access, content, and staffing are adequate to provide the services and develop a plan of service delivery with the facility for the student.

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.**

If the student left school and is determined to be a student with a disability, The School District of Osceola County, FL will review the IEP and conduct a Transfer IEP Placement Meeting. The school district will then collaborate with the facility to ensure access, content, and staffing are adequate to provide the services and develop a plan of service delivery with the facility for the student.

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

The School District of Osceola County, FL will conduct a review of records for the student entering into the facility. If there is a suspicion of a disability, the school district will collaborate with the facility and the student (and parents, if they have educational guardianship) to obtain consent for an evaluation. The school district would then follow all timelines and procedures related to Child Find and evaluation processes to determine if the student would qualify for services.

**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.**

Upon entry into a facility in Osceola County, the student's educational records will be reviewed. If there is any suspicion or evidence that the student is one with a disability, the school district would collaborate to either gain consent to evaluate or transfer the IEP to Osceola County. Once eligibility and/or services are determined, the school district work with the administrators at the facility to ensure that there are staff, a location, and resources to implement the services needed to provide FAPE.

**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 entry into a facility in Osceola County, the student's educational records will be reviewed. The school district would facilitate a meeting to transfer the IEP to Osceola County. Once services are determined, the school district work with the administrators at the facility to ensure that there are staff, a location, and resources to implement the services needed to provide FAPE.



## **Section B.5: Residential Facilities**

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.2(b)(1)

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

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

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

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with Rule 6A-6.0334(3), F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's education records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the student receives a free appropriate public education and special education and related services, including services comparable to those described in the current individual educational plan (IEP), until the notification and procedures regarding payment are completed.
4. Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

### **Contractual Arrangements with Private Schools**

#### **Statutory and Regulatory Citations**

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

Rules 6A-1.0503, 6A-1.0955 and 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under either of the following circumstances:
  - a. When the school district has determined that no special educational program offered by it, a cooperating school district, or a state agency can adequately provide the educational program for the student; or
  - b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs in accordance with ss. 1003.57(3) and (4), F.S. The student's IEP developed in accordance with Rule 6A-6.03028, F.A.C., may reflect that the residential placement is not required in order for the student to benefit from special education which could otherwise be provided by the school district during the day.
2. Each school district may provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility for the provision of a nonresidential interagency

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

3. In collaboration with the Part C Early Steps Program, each school district may provide early intervention services for an infant or toddler with a disability through a contractual agreement with approved nonpublic or community facilities when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler. The early intervention services shall be provided in accordance with an individualized family support plan (IFSP) developed in accordance with Rule 6A-6.03029, F.A.C.
4. The requirements of Rule 6A-6.0361(1), F.A.C., do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with s. 1003.52(3), F.S.

### **District Responsibilities**

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

1. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
2. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
3. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
4. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.
5. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.
6. Has written procedures for admission, dismissal, and separation of students, if appropriate.
7. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.
8. Has written policies concerning the care of the student in emergencies, clinical and administrative records, personnel policies, staff duties, fee schedules, food services, and insurance coverage.
9. Complies with requirements of the following: the Office for Civil Rights; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).
10. Files reports with the Florida Department of Education (FDOE) as prescribed in s. 1002.42, F.S., if applicable.

### **Contents of Contract**

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

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

### **Additional School District Responsibilities**

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

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

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

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

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

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

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

### Notes:

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

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

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

- Yes  
 No

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

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

When a private school or facility is being considered, the District will adhere to state assurances provided in the current P&P for District Responsibilities under Contractual Arrangements with Private Schools. District ESE staff will then verify that the private school/facility has an appropriate program to meet the goals on the IEP. District ESE staff will visit the school/facility if local or will take a virtual tour by computer or phone as part of the private school contract.

**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.**

If private school/facility meets all criteria, then the contract process is completed between the school district and the non-public school or residential facility. Each contract provides a scope of services and provisions for appropriate implementation of services. Financial responsibilities are established. Requests are made to private facilities for documentation of the qualifications of personnel serving the students in accordance with State standards. As part of the contract the private school will be responsible for notifying the parents if an out-of-field teacher is utilized in their facility.

**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.**

An Individual Educational Plan (IEP) is developed to monitor student's academics and intervention programs. Copies of IEPs are maintained at the district level and sent to DOE. An ESE representative participates in all IEP meetings in person or via telephone.

**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.**

When notification has been received that a due process has been requested, the Supervisor for Compliance and Dispute Resolution will contact the FLDOE and the parent to schedule a resolution meeting to be held within 15 days of receiving notification for due process request from the parents.

**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.**

The district will obtain the parents' consent to a mutually agreed upon meeting date through written notification, documented phone call, or email. The resolution meeting is mandatory unless both sides agree to waive the meeting or use the mediation process. Should both sides agree to a waiver of the resolution meeting, it will be documented in writing. If the district is unable to obtain written agreement to waive the resolution meeting, or if a waiver is not being considered, utilizing the parents' input, if available, the district will send out appropriate notice for a resolution meeting to be held within the required timeline. Attempts to contact the parent will be documented.

**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.**

Except in the case of an agreed upon waiver, relevant members of the IEP team, to include the parent(s), a representative from the district who has decision-making authority, and members who have specific knowledge of the facts identified, will meet to discuss the parent complaint and the facts that form the basis of the complaint and seek to find consensus in regard to the parent's concern.

**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 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.

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

The district encourages the use of either district (local) or state resolution process.

It is advantageous for both the district and parents to meet to attempt to resolve disputes in the least adversarial manner and closest to the school level, in an effort to preserve relationships.

Local Dispute Meetings can be requested through contacting the Exceptional Student Education Department. A District Representative will determine the stakeholders that would need to be involved in a meeting and will arrange a meeting. Representatives could include members from the School based team, District Team, Parents/guardians as well as invitees by the parents.

(The school district attorney will not be included unless the parent is represented by and bringing an attorney). The district will convene the meeting within the required timeline. Should the parent be unable to attend the set meeting, they will be afforded the opportunity to participate via phone or other appropriate means.

State Resolution options include but are not limited to State Facilitated IEP Meetings and/or Mediation. Parents and/or districts can request a State Resolution Meeting.

## **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.**

The School District of Osceola County takes a structured approach to ensure the student's educational needs are met, and legal requirements are observed:

- At least one year before the student's 18<sup>th</sup> birthday, the School District of Osceola County informs (in writing) the student, parents, and/or guardians about the transfer of educational rights when the student reaches the age of majority.
- The School District of Osceola County communicates with the parents about the students' rights and the need for continued decision-making support.
- The School District of Osceola County holds IEP meetings to discuss the student's needs, next steps, and the potential need for decision-making support during transition, as well as discuss any need for reevaluation to determine the student's capacity to make informed decisions.
- The School District of Osceola County will advise parents/guardians to petition the court for legal guardianship or conservatorship, granting them the authority to make educational decisions.
- The School District of Osceola County will provide information and resources about the options for decision-making (Considering Age of Majority, Transfer of Rights, and Decision-Making Options) to the parent/guardian.

The School District of Osceola County will connect families with community resources such as the Family Network on Disabilities (FND) or classes available about guardianship from a local law firm.

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

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



## Section D: Surrogate Parents

### Statutory and Regulatory Citations

34 CFR §300.519

Sections 39.0016 and 1002.22, F.S.

Rule 6A-6.0333, F.A.C.

### Definition

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

### Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
  - a. Must be at least 18 years old.
  - b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
  - c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
    - i. This prohibition includes group home staff and therapeutic foster parents.
    - ii. A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
    - iii. The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
  - d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability:
  - a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
  - b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
  - c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
  - d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.
    - i. The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
    - ii. The court must accept a surrogate parent duly appointed by a district school superintendent.
  - e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow

the education of the child during his or her entire time in state custody.

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

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

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

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

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

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

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

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

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

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

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

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

3. The person appointed as a surrogate parent:

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

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

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

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

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

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

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

8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be

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

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

The need for a surrogate parent shall be determined on an individual basis. It is the joint responsibility of the Resource Compliance Specialist and the case manager to ensure that students are represented by a parent, or a person in a parental relationship to the student, as defined in the law. The Resource Compliance Specialist and/or case manager must document efforts to determine a parent's identity and whereabouts which may include inquiry with other agencies that may have had contact with the child, certified letters, and home visits and telephone calls. These efforts should be documented in writing. The Resource Compliance Specialist should also reach out to our district Educational Liaison for Children in Out of Home Care as another avenue to determine a parent's identity or whereabouts. Once the district has exhausted all efforts to determine the whereabouts of a parent or guardian, a surrogate parent may be appointed. The school-based Resource Compliance Specialist identifies student need, per the above, and then notifies the district office for surrogate parent assignment. No surrogate parent may be an employee of a public or private agency involved in the education or care of children.

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

Surrogate parents are recruited by district staff's communication with retired staff members, teachers/support staff, community groups and professional groups in the local area. Qualified individuals file a surrogate parent application with the district volunteering for surrogate parent duty. If the individual meets all criteria, then an individualized training is scheduled with ESE district staff. A training guide and technical assistance handbook is provided when training is completed. Judge appointed surrogates must follow the same procedures. If a guardian-ad-litem is appointed, then the Superintendent will consider this person before other surrogate parents are appointed. All surrogate parents must be appointed by the Superintendent no more than 30 days after determining the need for the surrogate.

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§99.31 and 300.323

Sections 1003.01 and 1003.57, F.S.

Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

### **Definition**

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

### **Procedures**

#### 1. IEPs or EPs for students who transfer school districts within Florida

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

- a. Adopts the student's IEP or EP from the previous school district, or
- b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

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

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

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

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

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

#### 3. IEPs for students who transfer from outside Florida

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

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

- a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary, and
- b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

#### 4. EPs for gifted students who transfer from outside Florida

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

#### 5. Parental consent

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

#### 6. Transmittal of records

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

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

### Statutory and Regulatory Citations

34 C.F.R. § 300.154

Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

### Procedures

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

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

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

2. Regarding students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance proceeds, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

## **Section G: General Education Intervention Procedures**

### **Statutory and Regulatory Citations**

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

Sections 381.0056 and 1008.25, F.S.

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

### **Definition**

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

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

#### 1. Parent involvement in general education intervention procedures

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

#### 2. Observations of student in the educational environment

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

#### 3. Review of data

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

#### 4. Sensory screenings and diagnostic assessments

- a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.
- b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

#### 5. Implementation of evidence-based interventions

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



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

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

- a. Children younger than kindergarten-entry age who are not enrolled in kindergarten
- b. Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
- c. Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
- d. Students who are not enrolled in a public school.

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

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

- Yes
- No

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

The MTSS (Multi-Tiered System of Support) procedures documents and website are maintained on a shared network drive, which is accessible to district employees via their classlink account. A parent MTSS brochure is posted on district wide website under parent resources.

**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?**

The School District of Osceola County, FL utilizes a variety of tools across subjects and grade levels. Academic baseline data is generally obtained via universal measures three times per school year. Students' performance is compared to a benchmark and to the performance of like peers in both the individual classroom and/or the grade as a whole. Reviewing academic and behavioral progress monitoring data is the responsibility of the MTSS/PST team. Progress monitoring may be more frequent based on the nature and severity of the problem and intensity of the intervention. Learning rate and level of performance are the primary sources of information used in ongoing educational decision-making. Important educational decisions about intensity and likely duration of interventions are based on individual student response to instruction across multiple tiers of intervention. Tier 2 Progress Monitoring consists of assessments specific to the student and the interventions identified to address that particular student's needs. Progress monitoring in Tier 2 occurs more frequently than in Tier 1, at least monthly. While progress monitoring data may be collected and reviewed frequently, sufficient time must be provided before determining if an intervention is effective for a student or group of students. If a poor response to intervention is documented after the first four weeks, the PST should problem solve to address any other factors and develop additional interventions if warranted. Tier 3 consists of intensive instructional or behavioral interventions provided in addition to and in alignment with effective core instruction with the goal of increasing an individual student's rate of progress. Tier 3 interventions are developed for individual students using diagnostic assessment and a problem-solving process. As a general guideline, Tier 3 academic interventions should be implemented and documented for six weeks before sufficient data exists to determine the effectiveness of the intervention. However, if a poor response to intervention is documented after the first four weeks, the PST should problem solve to address any other factors and develop additional interventions if 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 School District of Osceola County, FL utilizes the EduClimber platform to monitor student data and document tiered interventions. Within the structure are parent notification, record review, and fidelity tracking tools. MTSS teams are also provided with meeting structures and note-taking supports in the FOCUS SSS module. Once the MTSS/PST team has identified a problem that exists, hypotheses are developed for the individual student. MTSS district resources are available to assist school teams with this first step, and the following. Next, the team will develop an intervention plan which includes a description of the intervention, who will be providing the intervention, who will support the interventionist(s) as they are implementing the plan, how often the intervention(s) will be implemented, what progress monitoring tool(s) will be used, how often progress will be monitored, what the goal for the intervention will be, and when the team will meet to review the progress monitoring data. Support for implementation of interventions is provided by the school leadership team, the PST, and administration. Support may include, but is not limited to, assistance from instructional coaches, school psychologists, school counselors, speech/language pathologists, and other members of the PST. The team will then make a determination of next steps based on the response to the intervention(s) after a period of implementation. The response may be positive and sufficient, positive but not sufficient, questionable, or poor. If there is a positive and sufficient response to the intervention, the team may decide to continue the intervention or that the intervention is no longer necessary. If there is a positive but not sufficient response to the intervention, the team may decide to modify or change interventions or increase the intensity of the interventions being used. If there is a questionable response, the team will determine the appropriate manner by which to intensify interventions to improve the student's response. If there is a poor response the team will determine whether to intensify and/or modify interventions and/or seek an evaluation to determine need for ESE services. Each school creates an MTSS Implementation Plan. Each school is expected to include MTSS implementation objectives within their School Improvement Plan.

**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?**

The district website contains a parent resource section, which includes the district brochure entitled "Parent's Guide to Multi-Tiered Systems of Support" and a link to Florida's MTSS/RtI website. Additionally, parents are notified through a parent notification letter when a student is identified as needing Targeted Supplemental (Tier 2) interventions. This letter includes notification to the parent of: (1) their right to request an evaluation, (2) their right to request a conference to review the data that indicated that their child requires Tier 2 interventions and (3) their right to review the Tier 2 progress monitoring data. EduClimber supplies the platform for such parent notification letters, efficiently linked to individual students. Parents are again sent a letter when Tier 3 (Intensive) interventions are recommended. This letter gives parents the option to participate in a conference, and requests dates and times when they can be available for the conference, to participate in the problem-solving process for their child and/or discuss the interventions to be provided. Data are provided to the parent in an understandable format which may include, but is not limited to, graphic representation, on a minimum of two occasions, after Tier 2 and Tier 3 interventions have been implemented and progress monitoring data have been collected. The Problem-Solving Team meets to review Tier 2 and Tier 3 data and determine each student's response to intervention. Parents are included as participants of Individual Problem-Solving Team Meetings and are formally invited to them. Some students may require immediate, intensive Tier 3 interventions due to the intensity and severity of their needs and, in these cases, parents are provided the Tier 3 letter and are encouraged to participate in an individual Problem-Solving Team meeting for their child. Parents are also informed through this letter that they may request an individual evaluation at any time.

**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.**

Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following: a. Review existing social, psychological, and medical data. Refer for a health screening when needed. b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits. c. Conduct additional screenings to assist in determining interventions as appropriate.

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

### **Statutory and Regulatory Citations**

34 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.**

When the school district has a reason to suspect that a child/student may be a child/student with a disability in need of special education and related services, the MTSS Lead will schedule a meeting with the parent(s) and the school based Problem Solving Team (PST) to review the following information: (1) current interventions being provided, if any; (2) progress monitoring data collected, if any; (3) their child's performance on universal screening data collected three times per school year; (4) discipline data, if any; (5) attendance data; (6) ESOL or ESE data, if any; (7) sensory screening results; and (8) any relevant information to be shared with parents. At the scheduled PST meeting, the team will review all of the above data with the parent(s) which may result in the initiation of the evaluation process based on the shared data. The parent will be given an opportunity to sign a formal consent for an evaluation and will receive a copy of the Procedural Safeguards. The district will then conduct the requested evaluation within the 60-calendar day timeline mandated by the state. If the parent does not attend the meeting as scheduled, the MTSS Lead will contact the parent to reschedule at a time when s/he can attend or provide alternative means of participation. If the parent does not attend at the mutually agreed upon time for the second meeting, the PST would attempt to contact the parent to participate via phone, conduct the meeting whether or not the parent is in attendance, and issue a consent for evaluation or a prior written notice of refusal. Results of this meeting would be provided to the parent, along with the consent for evaluation form to be signed by the parent, if issued. An evaluation would proceed following signed consent being given by the parent. When the district has reason to suspect the child/student may be a child/student with a disability, consent will be obtained within 30 calendar days. The district's procedure for obtaining parental consent for pre-school aged children is to give the parent a screening appointment within the 30-calendar day timeline after the first contact with the Preschool Educational Evaluation Program (PEEP). If the results of the screening indicate a need for evaluation, the consent for evaluation is obtained by the PEEP evaluator.

**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 parent indicates to a school district employee that they are requesting an evaluation of their child, whether that request be in writing or verbally, the employee receiving that request contacts the school's MTSS Lead to inform them of this request. The MTSS Lead will schedule a meeting with the parent(s) and the school based Problem Solving Team (PST) within 30 calendar days to review the following information: (1) current interventions being provided, if any; (2) progress monitoring data collected, if any; (3) their child's performance on universal screening data conducted three times per school year; (4) discipline data, if any; (5) attendance data; (6) ESOL or ESE data, if any; (7) sensory screening results; and (8) any relevant information to be shared with parents. At the scheduled PST meeting, the team will review all of the above data with the parent(s). If after discussion of the data and reason for the request, the parent decides that an evaluation is not needed, this will be documented on a Prior Written Notice form. Otherwise, the district will continue with the evaluation process while interventions are implemented concurrently, when appropriate, based on the shared data. Before doing so, the parent will be asked to sign a formal consent for an evaluation and will receive a copy of the Procedural Safeguards. The district will then conduct the requested evaluation within sixty days.

**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.**

School-based Problem Solving Teams (PST) meet on a regular basis to review universal screening data to identify students who may be in need of targeted or intensive interventions or may be a candidate for possible evaluation for the gifted program. Once students are identified as requiring interventions, these are developed and implemented and students' response to those interventions are frequently monitored. Those students who demonstrate a poor response to Tier 3 intensive, individualized interventions may be recommended for an initial evaluation by the PST to determine the need for possible ESE services. In addition, for those students who do respond to Tier 3 intensive, individualized interventions, the PST may determine that the level of intensity required to ensure success is such that it cannot be maintained in general education and, therefore, an evaluation would be requested to determine the need for ESE services. Upon review of universal screening data, the PST will identify students who are performing significantly above their grade level peers and will then request that the parent(s) provide their consent for screening based on high levels of academic performance. For those students who perform at or above a specified cutoff score on the screening measure, the school counselor or MTSS lead will obtain parent consent to conduct an individual intellectual assessment in order to determine if the student meets the eligibility criteria for the gifted program.

**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.**

The school district will conduct all evaluations for students who may have disabilities and students who may be gifted as requested by parents of students who are enrolled in nonpublic schools or agency programs. Parents may request an evaluation, either through the nonpublic school or agency program, directly to the home-zoned public school, or through the Student Services department. Parents are provided the contact information for the MTSS Lead at the student's home-zoned school, who will then schedule a meeting with the parent(s), PST, and the nonpublic school or agency program personnel, when available. The PST will proceed as described above; however, parents will be informed that the district cannot require the nonpublic school or agency program to conduct interventions as part of the evaluation process. If the nonpublic school or agency program personnel indicate that they are able to conduct interventions and implement progress monitoring, that data will be gathered as part of the formal evaluation process.

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

The school district will conduct all evaluations for students who may have disabilities and students who may be gifted as requested by parents of students who are not enrolled in the school district. Parents of non-enrolled students will be given the contact information for the MTSS Lead at the student's home-zoned public school. Parents may request an evaluation directly to the home-zoned public school or through the Student Services department. Parents are provided the contact information for the MTSS Lead at the student's home-zoned school, who will then schedule a meeting with the parent(s) and the PST. The PST will proceed as described above. Any data related to interventions that are available will be gathered as part of the formal evaluation process.

## 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.**

The District shall ensure that each child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation will be sufficiently comprehensive to identify all special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. If any evaluator or District IEP team member determines that a sufficiently comprehensive evaluation of the subject student requires part of the evaluation to be performed by an outside professional and/or entity (*e.g.*, an audiologist, a physician), this shall be brought to the attention of the ESE Director such that these services can be obtained via contract and the requisite evaluation performed within the evaluation period provided by regulation and this document. If other evaluators employed by the District are identified as being necessary to provision of a comprehensive evaluation during the pendency of the evaluation, approval should be sought from the ESE Director to include additional District staff in the evaluation process. To the extent the addition of evaluators is determined to be necessary to ensure the sufficiency and comprehensiveness of an initial evaluation, additional time for the evaluation may be sought via written agreement with the parents, as provided below.



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

The parent and school district, by mutual written agreement, can extend the sixty (60)-calendar day requirement for initial evaluation by thirty (30)-calendar days if the written agreement to extend is secured before the forty-fifth (45th) calendar day, after the formal testing has begun and if it has been determined that other evaluators are needed to complete the required full and individual evaluation. The Resource Compliance Specialist (“RCS”) for the student’s school will contact the ESE Director for approval to seek an extension of the evaluation timeline and provide the rationale for the request. Upon receiving such approval, the RCS will reach out to the parents via phone, email, or U.S. Mail to obtain the required written agreement to extend the timeline for evaluation and will maintain a copy of the written agreement in the student’s educational records.

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

The school district will ensure that students suspected of being gifted are evaluated within 90 school days that the student is in attendance after the school district’s receipt of parental consent for the evaluation.

This text box is not applicable for the school district.

3. Parental consent

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

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

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

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

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

- i. A biological or adoptive parent of a student;
- ii. A foster parent;
- iii. A guardian generally authorized to act as the student’s parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

- iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
  - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- d. If the parent refuses consent for an evaluation to determine if the student is eligible for ESE services as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures. A school district is not required to pursue an initial evaluation when the parent refuses consent and a school district does not violate its child find or evaluation obligations if it declines to do so.
- e. The school district may not use a parent's refusal to consent to initial evaluation as justification to deny the parent or student any other service of the school district, except as permitted by Rule 6A-6.0331, F.A.C.

#### 4. Evaluation procedures

- a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:
- i. Review existing evaluation data on the student, including:
    - 1. Evaluations and information provided by the student's parents;
    - 2. Current classroom-based, local, or state assessments and classroom-based observations; and
    - 3. Observations by teachers and related services providers.
  - ii. Identify, based on that review process and input from the student's parents, what additional data, if any, are needed to determine the following:
    - 1. Whether the student is a student with a disability; and
    - 2. The educational needs of the student.
  - iii. The group conducting this review may do so without a meeting.
  - iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that are to be reviewed under this section.
  - v. If the group determines that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:
    - 1. That determination and the reasons for the determination; and
    - 2. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.
  - vi. In conducting an evaluation, the school district must:
    - 1. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response-to-evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's individual educational plan (IEP) or educational plan (EP). The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
    - 2. Not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.

3. Use technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.
- b. The school district must ensure that assessments and other evaluation materials and procedures used to assess a student:
  - i. Are selected and administered so as not to discriminate on a racial or cultural basis;
  - ii. Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do;
  - iii. Are used for purposes for which the measures are reliable and valid; and
  - iv. Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.
- c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual or speaking skills, unless those are the factors being measured.
- d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.
- e. The student is assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social-emotional status, general intelligence, academic performance, communicative status and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether commonly linked to the suspected disability.

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

5. Pursuant to 34 C.F.R. § 502, if parents obtain an independent educational evaluation (IEE) at their own expense, the results shall be considered by the school district when making decisions regarding the student, so long as the IEE meets school district criteria.
6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

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

Each school has an assigned ESE Resource Compliance Specialist. That staff member has oversight responsibilities designed to ensure that each student being evaluated due to suspected disability, suspected giftedness, or both has their eligibility for ESE services determined in a timely manner. Once consent is received from the parent, school staff submit the consent and other documentation to Psychological Services and/or the ESE Departments Speech/Language Diagnostic Team. The evaluation is assigned to the evaluator(s), typically a school psychologist and/or a speech/language pathologist (SLP). The school psychologist and/or SLP is given a copy of the consent and is informed of the due date (60 days for new referrals, etc.). School Psychologists and SLP's prioritize evaluations based on several factors including due date and specific student needs (such as need for immediate change in placement or services). Psychological Services maintains a database of evaluation referrals and due dates. This database is updated daily and monitored for compliance with due dates. School Psychologists and SLP's are expected to begin the evaluation with sufficient time available to complete the evaluation prior to the due date. Once the evaluations are completed, they are sent electronically to ESE Resource Compliance Specialists. The ESE Resource Compliance Specialist regularly review pending evaluations within their schools and monitor evaluation status once a consent for evaluation has been issued. Upon receipt of the completed evaluations per consent, the school's ESE Resource Compliance Specialist compiles all needed documents and schedules a staffing meeting for the committee to review the results of the evaluation and determine eligibility for services. The meeting is scheduled at a mutually agreed upon time and place, with parents notified early enough to ensure they have an opportunity to attend.

## **Procedures for Reevaluation**

### 1. Reevaluation is required in the following circumstances

- a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for deaf/hard of hearing, dual sensory impairments and visual impairments are not able to have reevaluation procedures waived.
- b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
- c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
  - i. Unless a comprehensive review of the student's educational history, including current levels of functioning; progress toward meeting IEP goals; grades; state, district and class assessments; progress monitoring; previous psychoeducational evaluations; teacher and parent input; and a gradual release of delivery of services documented on the IEP, demonstrates that the student is no longer in need of specially designed instruction and related services. The student has met or surpassed the annual measurable goals.
  - ii. Students are individuals and, as such, decisions are to be made on a case-by-case basis. The school district is responsible to ensure that data-based decisions provide an outcome that is beneficial to the student.
  - iii. If, after a comprehensive review of the student's educational history, the school district or the parent requests a formal reevaluation, then consent for reevaluation must be secured.
- d. Reevaluation of the student may not occur more than once per year unless the parent and the school district agree otherwise.
- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. Based on 34 C.F.R. § 300.131, the school district is responsible for reevaluations of students with disabilities attending:
  - i. Nonprofit private schools located within the school district;
  - ii. For-profit private schools and are residents in the school district; and
  - iii. Home education.

### 2. Reevaluation procedures

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

- a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
- b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
  - i. Whether the student continues to have a disability;
  - ii. The educational needs of the student;
  - iii. The present levels of academic achievement and related developmental needs of the student;
  - iv. Whether the student continues to need special education and related services; and

- v. Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
- c. The IEP team may conduct the review of existing evaluation data without a meeting.
- d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is completed, and the school district shall notify the student's parents of the following:
  - i. The determination and the reasons for that determination; and
  - ii. The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

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

- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. The following rules require the administration of specific assessments as a part of a student's reevaluation:
  - i. Rule 6A-6.03013, F.A.C., Exceptional Student Education Eligibility for Students Who Are Deaf or Hard-of Hearing
  - ii. Rule 6A-6.03014, F.A.C., Exceptional Student Education Eligibility for Students Who Are Visually Impaired
  - iii. Rule 6A-6.03022, F.A.C., Exceptional Student Education Eligibility for Students with Dual Sensory Impairments

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

### 3. Parental consent when additional data are needed

- a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.
- b. Informed parental consent for reevaluation need not be obtained if the school district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

### 4. Reevaluation timelines

- a. The school district must complete a reevaluation every three years, unless the parent and the school district agree that a reevaluation is unnecessary.
- b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to the reevaluation due date if a triennial evaluation.
- c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology (AT) assessment, that AT assessment must be completed within 60-school days after the team's recommendation.

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

The ESE Resource Compliance Specialist assigned to each school monitors three (3) year reevaluation timelines using the Portal to Exceptional Education Resources (PEER) and the district's Student Information System (Focus). An Individual Education Plan (IEP) meeting is conducted prior to the three-year reevaluation date to determine the need for a formal evaluation. At this meeting, the IEP team is responsible for reviewing all currently available data (to include, but not be limited to, RtI data, FAST/FAA results, other state or district assessments, observations, class assignments and assessments, previous evaluations or screenings, information provided by the parent, medical reports, attendance records, and discipline records) to determine if additional testing/assessment is required. Following a review of the currently available data, the IEP committee may determine that additional data are needed to determine eligibility and/or for educational planning OR that no additional data are needed. Formal evaluations should only be needed due to the need for additional data to determine the student's educational needs and present levels of academic achievement and related developmental needs; whether the student continues to have a disability, whether the student continues to need special education and related services; or whether any additions or modifications to the special education and related services are needed to enable the student to meet the annual goals of the IEP and participate, as appropriate, in the general education curriculum.

**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.**

Following a comprehensive review of a student's educational history, the IEP committee may determine that updated formal evaluations are needed to determine eligibility and/or for educational planning. The educational history review should include but is not limited to: informal classroom data, informal assessments, previous evaluations, parent and teacher input, previous screenings or results of district wide tests. If the IEP team agrees based on the comprehensive review of the data that formal evaluations are not required, the team can answer decision making questions regarding the continued 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.**

Each school has an assigned ESE Resource Compliance Specialist. That staff member has oversight responsibilities designed to ensure 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. ESE Resource Compliance Specialists regularly review pending reevaluations within their schools and monitor reevaluation status once a consent for reevaluation has been issued. Once the reevaluation is complete, the school's ESE Resource Compliance Specialist compiles all needed documents and schedules an IEP/EP meeting for the committee to review the results of the reevaluation. The meeting is scheduled at a mutually agreed upon time and place, with parents notified early enough to ensure they have an opportunity to attend.

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.**

If a formal reevaluation is requested before the three-year reevaluation due date (by parent or school), a meeting is scheduled with the IEP team to discuss evaluative needs. At this meeting, the IEP team is responsible for reviewing all currently available data (to include, but not be limited to, Rtl data, FAST/FAA results, other state or district assessments, observations, class assignments and assessments, previous evaluations or screenings, information provided by the parent, medical reports, attendance records, and discipline records) to determine if additional testing/assessment is required. Following a review of the currently available data, the IEP committee may determine that additional data are needed to determine eligibility and/or for educational planning OR that no additional data are needed. If the IEP team determines that a reevaluation is needed, the team obtains parent consent for that reevaluation. If the IEP team determines that no additional data is needed, the district notifies the parent(s) of the determination and rationale and informs the parents of their right to request an assessment to determine whether the student continues to be a student with a disability and to identify the student's educational needs. If the parent refuses to meet in a timely manner, the school will send the parent one of the following: 1) A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or 2) A Prior Written Notice of Refusal.

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

Within 30 days of either: (1) the school district becoming aware that an AT assessment may be warranted, or (2) the parent requesting an AT assessment, the IEP team will convene to review the need for an AT assessment. The ESE Resource Compliance Specialist assigned to the school is responsible for inviting an IEP team participant with appropriate expertise related to the AT concerns being addressed (typically, the Speech-Language Pathologist, physical therapist, and/or Occupational Therapist) to the IEP meeting where such an evaluation is being considered. If the IEP team recommends an assistive technology (AT) assessment be completed, the team obtains parental consent for the reevaluation. A copy of the consent is provided to the evaluator(s) on the day it is obtained to ensure that any assessments can begin as quickly as possible. The ESE Resource Compliance Specialist assigned to the school monitors the timeline to ensure it is completed within 60 school days following the recommendation.

**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.**

Parent submits request, orally or in writing, to ESE/Student Services District staff. Parents may request an Independent Educational Evaluation (IEE) at public expense orally or in writing. This request and the appropriate supporting documentation will be reviewed by the District to determine if an IEE, paid by the District, is warranted and a decision will be rendered within thirty (30) school days of parental request. If the IEE at public expense is not granted, the District will initiate a due process hearing under this rule to show that its evaluation is appropriate. If an IEE at public expense is granted, the District will initiate the process of obtaining the IEE with a qualified examiner of the parents choosing. The IEE will be considered by the IEP team. The District will provide the parent with the criteria for IEE. All requests for an Independent Educational Evaluation are to be sent immediately to the Director/Supervisor of Exceptional Student Education or designee. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. Director/Coordinator of ESE or designee reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request. District office staff communicates with the parent via phone, email, or letter to review request and procedures. ESE Director/Supervisor or designee notifies parent in writing, the parameters of the IEE to include maximum allowable cost and provides a list of qualified Central Florida examiners.

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

District office staff will request a copy of the private IEE to determine if examiner meets qualifications and if the evaluation includes all the necessary components. A meeting will be held, in a timely manner, to thoroughly consider the results of the private IEE and to make decisions in regard to eligibility, educational placement and the provision of FAPE.

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

### **Section A: Instructional Program**

#### **Statutory and Regulatory Citation**

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

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

#### **Philosophy**

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

#### **Curriculum**

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

#### **Instructional Support**

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

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

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

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

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

### **Statutory and Regulatory Citations**

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

Sections 1003.01, 1003.55 and 1003.57, F.S.

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

### **Definition**

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

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

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

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

### **Student Evaluation**

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

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

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

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

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

### **Assessment Waiver**

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

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

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

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

### **Student Reevaluation**

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

### **Usher's Syndrome**

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

### **Communication Plan**

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

### **Supportive Services**

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 300.8 and 303.21

Sections 1003.01, 1003.21 and 1003.57, F.S.

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

### **Definitions**

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

### **Eligibility Criteria**

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

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

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

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

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

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

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

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

### **Child Evaluation**

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

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

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

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

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

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

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



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

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

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

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

### **Statutory and Regulatory Citations**

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

Chapters 458 and 463, F.S.

Sections 1003.55, 1003.57 and 1003.575, F.S.

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

### **Definition**

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

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

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

### **Eligibility Criteria**

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

1. One or more of the following visual impairments:

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

and

2. One or more of the following hearing impairments:

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

and

3. The student demonstrates a need for special education;

or

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

### **Student Evaluation**

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

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

### **Student Reevaluation**

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

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

### **Qualified Evaluators**

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

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

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

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

- f. Interpreters,
- g. Assistive listening devices,
- h. Real-time captioning, or
- i. American Sign Language.

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

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

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

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

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.8

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

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

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

### **Eligibility Criteria**

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

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

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

### **Student Evaluation**

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

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

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

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

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

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

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

This section is not applicable for the school district.

### **Statutory and Regulatory Citations**

34 C.F.R. §§ 303.21 and 303.300

Sections 1003.01, 1003.21 and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Continued Eligibility**

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

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

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

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

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



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

This section is not applicable for the school district.

### **Statutory and Regulatory Citations**

34 C.F.R. § 300.115

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

### **Definitions**

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

### **Eligibility Criteria**

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

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

The data that is collected is recorded on a data intervention form as well as graphed. Progress monitoring tools used to measure a student's response to interventions (RtI) within a Multi-Tiered System of Supports (MTSS) include NWEA MAP, DIBELS, NSGRA, Savvas Success Maker and any other measures that a problem-solving team deems appropriate. These data are graphed so that the team can compare an individual student's response to intervention(s) with the entire group of students receiving that intervention, as well as with their peer groups, to determine (1) if the student requires a more intensive level of intervention; (2) if interventions need to be modified, changed, or discontinued; or (3) if an evaluation for special education is needed.

**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).**

When the PST determines that a student requires interventions beyond those provided at the universal level (i.e., supplemental or intensive), the parent(s) are contacted to discuss area(s) of concern and the interventions to be implemented. The school is required to provide parents with graphed data and an explanation of a student's response to interventions during a teacher/parent conference, at least once when a student is determined to need supplemental interventions and once when a student is determined to need intensive interventions. Parents are informed of involvement in the problem-solving process when they receive the Informed Notice of Participation form. This form is provided to them prior to implementation of Tier 2 and/or Tier 3 interventions. Graphs of their child's progress compared to other students in that same targeted group (without identifying other students by name or any other characterization) and to benchmarks are provided to the parents at the initial Tier 3 meeting when the team is developing the Tier 3 intervention(s) and when the team is reviewing the student's progress with the Tier 3 intervention to determine if the student needs to be evaluated for Exceptional Student Education, remain in the Tier 3 intervention, needs the Tier 3 intervention changed or modified, or moved back to Tier 2 or Tier 1. Parents contribute by providing background, developmental, and medical information through the Parent Input Form or Brief Social History (usually requested as students move from Tier 2 into Tier 3 interventions). This information helps school teams plan interventions by making them aware of a child's history and medical needs. If a Functional Behavior Assessment is completed to gather information for a Behavior Intervention Plan (Tier 3 behavior), the parent is interviewed to provide his/her input regarding the possible functions of the child's behaviors. The parent is also involved in the development of the Behavior Intervention Plan. If the student is referred for evaluation for a possible learning disability, the parent's input also helps the committee address exclusionary factors such as environmental factors or limited English proficiency.

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

The district documents a student's response to intervention data through graphs as well as completion of the Written Summary of Group's Analysis (WSGA) form. The team determines the adequacy of a student's response to intervention by comparing his/her data to the nation, the state (when that data is available), the district, the school, the grade level, and the appropriate subgroups (i.e. FRL, ELL, SWD). Completion of the WSGA guides the team to deciding regarding adequacy of response through reviewing the student's rate of progress, extent of discrepancy between the student and his/her peer group, and exclusionary factors that may exist. Additional data, including a minimum of two observations, attendance data, and ELL records are also reviewed. One of the required observations must be conducted by one of the student's teachers. Following this analysis of data, the team determines 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.**

Director for Exceptional Student Education, Supervisor of ESE Programs, District Compliance Specialist

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.**

The determination of the need for ESY services is an IEP team decision designed to ensure the provision of FAPE. The IEP team at least annually or more frequently, as indicated, must review data to determine the need for ESY. Teachers are expected to collect data on IEP goals for ongoing progress monitoring. This data is essential for determining a student's need for ESY services. The following questions developed by the Florida Department of Education can assist IEP teams in determining if a student may need to receive ESY services. 1. Does the data indicate that significant regression is likely to occur in critical life skills related to academics (or for PreK children, developmentally appropriate pre-academic skills), communication, independent functioning and self-sufficiency, social/emotional development, or behavior, and that these skills cannot be recouped within a reasonable amount of time without ESY services? 2. Does the data indicate the likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in services would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of ESY services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without ESY services? When making the determination for the need for ESY services, the IEP team reviews collected data which may indicate a pattern of regression after past breaks in service. Eligibility for ESY services and/or duration of services is not limited to or based on the type or degree of disability. The IEP team will then determine the need and extent of ESY services for a student. Each decision must be documented based on established criteria and supporting data.



**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.)**

Varying amounts, types, and durations of ESY services are possible based on the individual needs of a student. Options for ESY services may include, but are not limited to, a summer school-based program, on-line tutorials, "take home" instructional materials, ESE supports during after-school academic based programs, ESE supports during summer credit recovery courses, speech/language therapy, and occupational or physical therapy during school break periods. ESE district staff notifies school-based IEP team members that varying amounts, types, and durations of ESY services are available based on the individual needs of a student through face-to-face meetings, emails, or memos. The procedure for ensuring the provision of ESY services for individual students is as follows: After the IEP team makes the determination for ESY, the Resource Compliance Specialist, (RCS) enters that information into the district student information system (SIS) and notifies the assigned District Compliance Specialist (DCS). A report is generated identifying those students that were recommended and attending the summer school-based program. The ESE district office will coordinate with the needed district departments to ensure the provision of the various service delivery models recommended throughout the district.

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

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

8. Prior Written Notice

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

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

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

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

9. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum or for prekindergarten children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student..
- e. A statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general education curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and without disabilities in compliance with state and federal laws. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with students without disabilities in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or school district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate school district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or school district assessments and, if applicable why the particular school district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or an exemption due to medical complexity in accordance with s. 1008.22(12), F.S., the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.
- h. The projected date for the beginning of the special education, services, accommodations and modifications described and the anticipated frequency, location and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as using quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
- j. A statement to identify any Career and Professional Education (CAPE) digital tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.

#### 10. Transitional needs addressed within IEP

- a. During the student's seventh grade year or when a student attains the age of 12, whichever occurs first, IEP teams must begin the process of identifying the need for transition services of students with disabilities before the student enters high school or attains the age of 14, whichever occurs first, in order to have identified postsecondary and career goals. The plan must be operational and in place to begin implementation on the first day of the student's first year in high school. This process must include, but is not limited to, the following:
  - i. Consideration of the student's need for instruction or the provision of information in self-determination and self-advocacy to assist the student to be able to participate in IEP team meetings actively and effectively.
  - ii. Preparation for the student to graduate from high school with a standard high school diploma pursuant to s. [1003.4282](#), F.S., with a Scholar designation unless the parent chooses an Industry Scholar designation.

- iii. Provision of the information to the student and his or her parent of the school district's high school-level transition services, career and technical education, and collegiate programs available to students with disabilities and how to access such programs. Information shall also be provided on school-based transition programs and programs and services available through Florida's Center for Students with Unique Abilities, the Florida Centers for Independent Living, the Division of Vocational Rehabilitation, the Agency for Persons with Disabilities, and the Division of Blind Services. Referral forms, links, and technical support contacts for these services must be provided to students and parents at IEP team meetings.
- b. Beginning not later than the first IEP to be in effect when the student enters high school, attains the age of 14, or when determined appropriate by the parent and the IEP team, whichever occurs first, the IEP must include the following statements that must be updated annually:
    - i. A statement of intent to pursue a standard high school diploma and a Scholar or Industry Scholar designation, as determined by the parent.
    - ii. A statement that documents discussion of the process for a student with a disability who meets the requirements for a standard high school diploma to defer the receipt of such diploma.
    - iii. The IEP in effect at the beginning of the school year the student is expected to graduate, must include a signed statement by the parent, the guardian or the student, if the student has reached the age of majority and rights have transferred to the student, that he or she understands the process for deferment and identifying if the student will defer the receipt of diploma.
    - iv. A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. The IEP must also specify the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
    - v. A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training; education; employment; and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
    - vi. Any change in the IEP for the goals specified above must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572, F.S.
    - vii. If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
  - c. Beginning at least one year before the student's 18th birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.
  - d. Beginning with the 2015-2016 school year, a statement identifying CAPE digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.
  - e. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law, a school district must provide the student with a summary of the student's academic achievement and functional performance, which should include recommendations on how to assist the student with meeting the postsecondary and career goals.

#### 11. Requirements for a Standard Diploma

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

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

a. General requirements.

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

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

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

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in access points is the most appropriate means of providing the student access to the general education curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

- i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may
- ii. substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
- iii. Participation in the Florida Alternate Assessment in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.
- iv. A score of at least a Level 4 on the Florida Alternate Assessment in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the end-of-course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(d), F.S. A waiver of the

results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

- v. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multimedia portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.
- d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
- i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(e), F.A.C., may substitute for English IV; one mathematics credit, except for Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.
  - ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as specified in s. 1003.4282(8)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.
  - iii. Documented achievement of all components defined in s. 1003.4282(8)(b)2.b., F.S., on the student's employment transition plan.
- e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(d), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.
- f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements in s. 1003.4282(8)(c), F.S.
- i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
    1. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.
    2. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a FAPE. This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
    3. School districts must ensure that the names of students deferring their diploma be submitted to appropriate school district staff for entry in the school district's management information system. Improper coding in the

school district database will not constitute failure to defer.

- ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until his or her 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

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

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

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

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

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), F.S., if a school district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

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

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

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

Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the

analysis, implementation, and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

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

11/16/2023

**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?**

November 2026

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.**

All students are considered first to receive instruction in the general education setting with appropriate accommodations. The IEP team problem-solves to determine the appropriate supports the student needs to successfully access the Florida B.E.S.T. Standards and/or Access Points. Based on the intensity of the supports needed, the most appropriate setting is determined by the IEP team. The continuum of services includes general education, consultation, support facilitation, co-teach, small group pull out, separate class, or separate school. In addition, hospital/homebound is available when deemed appropriate.

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

The district provides supplementary and related services in a variety of delivery models for students with disabilities placed in regular education classrooms. The location of these services, as well as the duration and frequency of the services, is determined by the IEP team based on consideration of the individual student's progress data. Service delivery models include the special education teacher going into a regular class setting to provide services to the student (push-in) and the special education teacher providing services to the student in a setting apart from the regular class setting (pull-out). Special instructional and therapeutic services are provided to students by school staff or by district itinerant staff either in a regular class setting or in a setting apart from the regular class.

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.**

In collaboration with the Florida Diagnostic and Learning Resources System (FDLRS), The Center for Autism and Related Disabilities (CARD), SEDNET (Multiagency Network of Students with Emotional/Behavior Disorder), and Positive Behavior Support Project (PBIS) at the University of South Florida, training is provided throughout the school year. Topics include Behavior Basics, Classroom Management, and Structured Classroom Series, Multi-Tier Behavior Supports. District Exceptional Student Education (ESE) support staff work closely with classroom teachers of students with disabilities to identify areas of support. The district ESE support staff provides workshops on conducting Functional Behavior Assessments and developing Behavior Intervention Plans. District ESE support staff provide Crisis Prevention Intervention training to administrators, staff, and support staff who work with students who have the potential for crisis behaviors. The training provides prevention, de-escalation, and crisis management emphasizing the care, welfare, safety, and security of students and staff involved in crisis. In collaboration with the Florida Diagnostic and Learning Resources System, The Center for Autism and Related Disabilities, the University of Central Florida, and the Positive Behavior Support Project at the University of South Florida, training is provided throughout the school year.

#### **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.**

The IEP team will review data related to the behavior and will consider each of the following: identifying Tier 1 and Tier 2 positive behavior supports, developing classroom supports and modifications, conducting a Functional Behavior Assessment (FBA), and developing a positive Behavior Intervention Plan (BIP). The positive intervention plan will include strategies for preventing problem behaviors(s), including classroom modifications and supports; new behaviors to be taught, and functional strategies that encourage new or replacement behaviors and respond effectively to inappropriate target behaviors. The social-emotional page of the IEP will be reviewed and modified accordingly. The behavior intervention plan and the crisis intervention plan will be reviewed annually during the IEP meeting and updated as needed based on data and the student's needs.

### 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.**

The Supervisor of Behavior Programs reviews out-of-school suspension reports for each school every month. Each month, notice is sent to school-based administrators and resource compliance specialists advising of the number of days of out-of-school suspension each student has received for the month and cumulative for the year. The supervisor of Behavior Programs reviews data with the district leadership team. If warranted, recommendations and appropriate actions will be identified and shared with the school administrator. The supervisor of Behavior Programs or Director of ESE advises the school administrator to problem solve and identify corrective actions if data suggests that a student with a disability has been subjected to a series of removals that constitute a pattern that is a change in placement because the removals accumulate to more than ten (10) school days in a school year.

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

When a student engages in behavior that impedes their learning or the learning of others, the IEP team will convene to address this behavior. The IEP team reviews the behavior data, including discipline and out-of-school suspension reports. Based on the data, the IEP team determines whether a pattern of removals constitutes a change in placement by considering the cumulative number of days of the removal(s), the similarity of the behaviors that warranted the removal(s), and/or additional factors such as length of each removal, total amount of time the student has been removed, and the proximity of the removals to each other. The IEP team may consider strategies including positive behavior supports at Tier 1 and Tier 2, conducting an FBA and developing a BIP, or review of a current FBA/BIP.

**3. Manifestation determination**

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

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

applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

- e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

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

A manifestation determination review will be made within ten (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. The review team will consist of the parents, LEA Representative, and relevant members of the IEP team. The team will review pertinent information and determine whether the conduct in question was: (1) caused by, or had a direct and substantial relationship to, the student's disability or (2) the direct result of the LEA's failure to implement the IEP; or whether the conduct in question was not a manifestation of the student's disability.

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

The review team will consist of the parents, LEA Representative, and relevant members of the IEP team.

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

When a student engages in behavior that impedes their learning or the learning of others, the IEP team will convene to address this behavior. Based on the data, the IEP team will consider Tier 1 and Tier 2 interventions and may initiate a FBA/BIP. During a manifestation determination meeting, if the IEP team determines that the violation was a manifestation of the student's disability, then the IEP team should initiate an FBA or review the current BIP to ensure it is appropriate. The IEP team will meet to review the data collected during the FBA process and develop a BIP to address the behavior. If a BIP has already been developed, the team should review and modify it to address the violation of the student's conduct.

**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 ESE Department provides training to school district staff on FBA/BIP. The training consists of how to conduct a functional behavior assessment and develop a behavior intervention plan (BIP). The ESE Department also has additional training on the implementation of behavior intervention plans and data collection. The training is provided at the beginning of the school year, during professional development days, during summers, and upon request.

**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.**

In the case of a possible disciplinary change of placement, the IEP committee (school staff, parent, student, if appropriate) must conduct a manifestation determination meeting. At the manifestation meeting, the IEP committee reviews all information to determine whether the student's behavior(s) are or are not a manifestation of the student's disability. If the behavior constituting a violation of the code of student conduct is determined not to be a manifestation of the student's disability, the assignment to an alternative school setting will be given to the student in the same manner and for the same duration in which it would apply to a non-disabled student. If the IEP committee recommends an alternative school setting, then the student will receive services at that location for the remainder of the school year and all of the next school year, keeping with regular expulsion time for students without a disability. The District ensures FAPE will be provided to the student with a disability. If the behavior is determined to be a manifestation of the student's disability, the IEP committee may review the continuum of services available to the student based on student need. The IEP committee may recommend a more restrictive educational environment, which may include an alternative school setting. The parent must be in agreement with the placement. If the parent is not in agreement, the student will remain in his/her current placement with appropriate services to provide FAPE. If the IEP committee recommends an alternative school setting and the parent is in agreement, then the student will receive services at that location for the remainder of the school year and all of the next school year. The District ensures FAPE will be provided to the student with a disability. If a student is assigned to an alternative school setting, an IEP meeting can be scheduled at any time during the placement to review the student's progress and behavior. The committee can recommend a change of placement to a lesser restrictive educational environment if all parties agree that the student has shown improvement in behavior and met goals and objectives. The alternative school is staffed with appropriately qualified teachers and staff members. The school allows for academic placement into regular education inclusion classes as well as a self-contained ESE program.

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

If the 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. Parent requests for expedited due process hearing must be put in writing to the Director of ESE or designee. Upon receiving a written request for an expedited due process hearing, the Director of ESE immediately forwards the request to the School Board Attorney for filing with the Division of Administrative Hearings. The attorney then is responsible for the time frame and scheduling of the hearing process. The School Board Attorney is responsible for arranging a resolution meeting with the other party within seven days of filing the complaint for due process.

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

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

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

- a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to students without disabilities who are similarly removed.
- b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the measurable annual goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
- c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the measurable annual goals in the student's IEP.

- d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

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

School based teams are responsible for providing services with disabilities who are suspended. Service provision may include allowing the student to attend in-school-suspension programs, after school programs and/or specially arranged schedules per parent and school team agreement. Principals collaborate the the Exceptional Student Education Department in the district to determine the specific procedure for the provision of FAPE at their individual school sites. Resource Compliance Specialist serve as the primary school based staff member who coordinates the provision of services in these situations. Teachers are responsible for ensuring that instruction is provided in these settings and that services are provided in agreement with the IEP.

**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.**

Per the determination of the IEP team (including the Parent) FAPE is provided for students with disabilities who are suspended, expelled, or placed in an IAES through separate school sites including New Beginnings Educational Center (NBEC). The principal per individual school site collaborates and conducts trainings with school staff regarding the procedures to be followed on their school campus for the provision of services when students are suspended. New Beginnings Educational Center provides students with access to core academic courses through a full day schedule with certified ESE/Core content teachers. New Beginnings Educational Staff participates in the same trainings available to all teachers through Osceola School District.

6. Special circumstances and IAES

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

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

Parents are notified in writing and provided with a copy of the notice of procedural safeguards on the date of the IEP meeting in which the decision was made. If the parent was not in attendance, notification will be provided via phone call, email or US mail. A copy of the notice of procedural safeguards will be provided via email or US mail.

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

A database is kept on any student removed to an IAES. An IEP meeting will be conducted within 10 school days prior to the 45th day of placement at the IAES to return student to their zoned school.

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.**

Upon receiving a written request for an expedited due process hearing, the Director of ESE or designee immediately forwards the request to the School Board Attorney for filing with the Division of Administrative Hearings. The attorney then is responsible for the time frame and scheduling of the hearing process. The School Board Attorney is responsible for arranging a resolution meeting with the other party within seven days of receipt of the written request for hearing..

**8. Authority of an ALJ**

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

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

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

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

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

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

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

##### a. Basis of knowledge

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

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

##### b. Exception

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

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

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

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

#### 11. Reporting a crime

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

#### 12. Student records in disciplinary procedures

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

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

Final determination regarding disciplinary action is made at the student's school. The student's records are maintained at the school. Students that are being considered for disciplinary action must have the manifestation meeting with the appropriate IEP committee members (school staff, parents and student) held at the respective school. Following the decision of the IEP team, the student's entire cumulative folder and disciplinary records are transferred to and maintained at the recommended educational setting.

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://ffast.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://ffast.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://ffast.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.)**

Students instructed via Florida B.E.S.T standards are assessed via STAR and adopted curriculum assessment tools in Grades K-10, FAST in Grades 3-10. Students participating in high school courses with EOC exams take these assessments. Additionally, the SAT and ACT are provided to all students at the high school level. Students instructed on access point standards and tested on FAA (Performance and Datafolio) are assessed on benchmarks and standards utilizing enCore in elementary school, Unique Learning Systems (ULS) in middle school, and Attainment in high school. Alternative Access for ELL Portfolios are used at the high school level to assist with course waivers, if needed.

### **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

| 1.3

#### Mathematics

| 1.3

#### Science

| 1.6

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.)**

Annually, Individual Education (IEP) Teams will use all available records; including but not limited to previous FAST/FAA scores, grades, IEP progress reports, and anecdotal information for each student to make data-driven decisions when determining if a student is eligible for participation in FAA. Prior to initial consideration of proposing participation in Access Points Courses and FAA, the Resource Compliance Specialist will submit the Consideration for Access Points Instruction and Florida Alternate Assessment (FAA) form and submit this to the FAA Task Force at the district. The Task Force reviews the information to determine if there is adequate data to support that all eligibility components were met. In addition, the district will provide professional learning to ESE staff (Resource Compliance Specialists, Evaluators, ESE Teachers, and Related Service Providers) on eligibility requirements for participation in Access Points Courses and FAA.

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

Although over 1%, there has been a significant decrease in the number of students in the school district identified to participate in access courses and the FAA over the past few years. The FAA Task Force has been assisting school teams in reviewing data to determine if, in fact, all eligibility criteria is being met prior to making a recommendation in an IEP meeting. Transfer students (either from other districts or other states) often enter the District being instructed via modified curriculum, which can contribute to an increase in the percentage. Additionally, since COVID, there has been an increase of students having significant behavior and communication needs not seen previously that impact the percentage of students identified as needing modified curriculum. The School District of Osceola County, FL is increasing professional learning and supports to schools in behavior and communication as a result.

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

**ELA American Indian or Alaskan Native**

0

**ELA Black, non-Hispanic**

1.23

**ELA Hispanic**

1.01

**ELA Asian or Pacific Islander**

1.09 or 0.69

**ELA White, non-Hispanic**

0.91

**ELA Economically Disadvantaged**

1.52

**ELA English Language Learner**

0.42

**Math American Indian or Alaskan Native**

0.81

**Math Black, non-Hispanic**

1.13

**Math Hispanic**

1.00

**Math Asian or Pacific Islander**

| 0.81 or 1.56

**Math White, non-Hispanic**

| 0.98

**Math Economically Disadvantaged**

| 1.37

**Math English Language Learner**

| 0.41

**Science American Indian or Alaskan Native**

| 1.68

**Science Black, non-Hispanic**

| 1.38

**Science Hispanic**

| 0.91

**Science Asian or Pacific Islander**

| 0.69 or 1.78

**Science White, non-Hispanic**

| 0.98

**Science Economically Disadvantaged**

| 1.40

**Science English Language Learner**

| 0.29

**Social Studies American Indian or Alaskan Native**

| 1.68

**Social Studies Black, non-Hispanic**

| 1.23

## Social Studies Hispanic

1.01

## Social Studies Asian or Pacific Islander

1.09 or 0.69

## Social Studies White, non-Hispanic

0.91

## Social Studies Economically Disadvantaged

1.52

## Social Studies English Language Learner

0.42

**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.**

N/A

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.**

As a part of the psychoeducational evaluation, the school psychologist will attempt a direct measure of intellectual ability. In some cases, a standardized measure of intellectual ability cannot be successfully completed. Students who demonstrate significant deficits with sensory, language, and/or motor skills may have difficulty participating in a direct measure of intellectual ability. Similarly, students whose emotional/behavioral characteristics impact their ability to participate in structures tasks may have difficulty participating in a direct measure of intellectual ability. Details regarding the assessment(s) attempted and the related factors will be included in the evaluation report.

**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 School District of Osceola County, FL will utilize the standardized, individually administered, norm-referenced developmental assessments that are designed to measure the areas of cognitive, communication, motor, adaptive, and social-emotional skills in young children. These developmental measures allow for structured testing, interviews with parents and teachers, and observation so the student in natural settings. Many of these developmental measures can be completed based on interview and observation, and do not necessarily require direct assessment with the child. These measures provide normative scores and/or age equivalents and can provide evidence of cognitive functioning level.

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

For school psychologists, the Supervisor of Psychological Services will provide annual training on the procedure to identify students who qualify for the extraordinary circumstance when a global full-scale intelligence quotient score is unattainable and identifying the appropriate assessment instruments to use. Psychoeducational Evaluation reports will be monitored and reviewed by the Supervisor of Psychological Services to ensure compliance with the district's procedure for determining when a standardized measure of intellectual ability cannot be obtained and identifying other types of assessment to assist in educational programming. The School District of Osceola County, FL will provide professional learning via a train-the-trainer model to ESE Staff including Resource Compliance Specialists, ESE Teachers, and related service providers on the procedure to identify students who qualify for the extraordinary circumstance when a global, full-scale intelligence quotient is unattainable. The district FAA Task Force will monitor and review documentation for each student recommended for placement on Access standards and assessment via the Florida Alternative Assessment to ensure compliance with the extraordinary circumstance procedure and will maintain a database of the students recommended via this process.

## **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.

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

## **Instructional Program**

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

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

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

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

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

The LEA develops a schedule of dates (at least one day per week) throughout the year, in collaboration with Early Steps where Part C/B transition conferences are held. The LEA or the LEA Representative attends these transition conferences to assure compliance with the development of an IEP by the child's 3rd birthday if deemed appropriate. As a child approaches 30-32 months of age the Early Steps, Family Care Coordinator (FCC) schedules the transition conference with parents. The FCC, LEA, and parents are participants in this conference, along with other agencies the family would like to include. Part B possible services are explained during the conference and the process for evaluation and eligibility are explained. If the outcome of the conference is to proceed with an evaluation, then an appointment for the evaluation and eligibility are scheduled at the PEEP (Preschool Educational Evaluation Program) facility. The child is evaluated to determine if special education services are appropriate. Regardless of the outcome of the evaluation results, an eligibility determination meeting is completed on or before the child's 3rd birthday to review the results of the evaluation, develop an IEP for the children in need of special education services. The Child Outcome Summary is completed once the child is determined to be eligible.

The IEP team completes the COS process at the initial eligibility meeting. It is based on information the evaluation team gathers on the child's skills through formal and informal assessment as well as information from the family. If the parent consents to placement, the child will begin to receive services on or after the 3rd birthday as determined by the IEP team's decision. Children with summer birthdays that fall outside the school calendar, referred to by Early Steps to the school district, will receive evaluations prior to the end of the school year, or they may be evaluated during the summer.

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

### **1. Philosophy**

- The PreK program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths and needs.
- 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.
- 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.
- 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.**

Annually, SDOC locates all not-for-profit private schools operating in Osceola County through the Florida Private School Directory located under Florida School Choice Office of Independent Education and Parental Choice website. The SDOC Special Programs office also provides a current list of not-for-profit private schools operating in Osceola County. An invitation letter is sent via email to private school administrators to participate in meaningful consultation. The invitation letter encourages the private school to include parents of parentally placed private school students that qualify for Exceptional Student Education to participate in meaningful consultation. The Affirmation of Participation and Student Enrollment forms are attached to this invitation letter for the private schools to complete. The meeting is held virtually and occurs at least annually or when a private school requests additional consultation(s). During this meeting, the LEA offers a brief overview of the types of support and services that the private school and parents of parentally placed private school students may elect to receive for qualifying students. Private schools that did not attend the initial meeting, will be contacted again providing them with the information that was presented as well as an opportunity to schedule a time for meaningful participation with the private school and parents of parentally placed private school students. A survey will be sent out yearly to the private schools for feedback and input of equitable services. At a follow-up consultation, survey results will be reviewed, and final determination of equitable services will be provided. The Supervisor of Operations is the school district lead for this process. Included in the meaningful consultation is the Supervisor of Psychological Services, and the Program Specialist for FES/Private School.

11. Compliance

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

12. Equitable services determined

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

13. Services plan for each student served

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

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

14. Equitable services provided

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

15. Location of services and transportation

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

16. Due process hearings and procedural safeguards

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

17. State complaints

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

18. Requirement that funds not benefit a private school

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



the students enrolled in the private school.

19. Use of personnel

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

20. Separate classes prohibited

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

21. Property, equipment, and supplies

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

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

### Statutory and Regulatory Citations

Chapter 1002, Part III, F.S.

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

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

### Definition

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

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

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

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

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

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

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

### **Scholarship Prohibitions**

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

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

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

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

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

I have read and understand the above information.

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

## **Part V. Appendices**

### **Appendix A: General Policies and Procedures**

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

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

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

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

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

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

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

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

\_\_\_\_\_ County School District  
Exceptional Student Education (ESE)  
**Transfer of Rights at Age of Majority (Age 18)**  
**Student Notification**

School: \_\_\_\_\_

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Age: \_\_\_\_\_

Florida law provides for the transfer of rights when an individual reaches the age of majority at age 18. An exception to this transfer can occur in response to a petition, a court determines that the individual is incapacitated and a guardian is appointed. This is especially important for students with disabilities who receive exceptional student education (ESE) services under the Individuals with Disabilities Education Act (IDEA).

Under IDEA, all rights accorded to your parent(s)/guardian(s) with regard to your ESE services transfer to you on your 18<sup>th</sup> birthday. In addition, IDEA provides that your parent(s)/guardian(s) retain the right, along with you, to receive any notices about your ESE program.

You have reached the age of majority and no documentation of court action limiting the transfer of rights under IDEA has been provided to the district. **Therefore, this notice is to inform you that all rights and protections previously accorded to your parent(s)/guardian(s) now transfer to you.**

To support students with disabilities and their parents when the student attains the age of majority while in school, s. 1003.5716, F.S., requires school districts to provide information and instruction on the legal rights and responsibilities relating to options for maintaining parental involvement in educational decision-making, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in s. 1002.22, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.

If you have any questions regarding this notice, desire additional information on the options for maintaining parental involvement, or wish to obtain a copy of the *Notice of Procedural Safeguards for Parents of Students with Disabilities*, please contact the following:

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_ County School District  
Exceptional Student Education (ESE)  
**Transfer of Rights at Age of Majority (Age 18)**  
**Description of Rights (by Age 17) – Parent**

School: \_\_\_\_\_

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Age: \_\_\_\_\_

Florida law provides for the transfer of rights when an individual reaches the age of majority at age 18. An exception to this transfer can occur in response to a petition, a court determines that the individual is incapacitated and a guardian is appointed.

This is especially important for students with disabilities who receive exceptional student education (ESE) services under the Individuals with Disabilities Education Act (IDEA). **At least one year before the student reaches the age of majority, the student and parent must be informed of the rights under IDEA that will transfer**, including the legal rights and responsibilities regarding educational decisions. Information and instruction on self-determination must address the ways in which the parent may continue to participate in the student’s educational decisions, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in s. 1002.22, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.

Parents’ and students’ rights under IDEA are often called procedural safeguards, and are described in the **Notice of Procedural Safeguards for Parents of Students with Disabilities** that is attached.

Your student will turn 18 within the next year. At that time, your parent/guardian rights under IDEA will transfer to your student. Some examples of the rights that will transfer include:

- The right to give or revoke consent for an evaluation or reevaluation.
- The right to give or revoke consent for services.
- The right to give or revoke consent to invite certain agency representatives to IEP team meetings.
- The right to participate in mediation, file a state complaint, or request a due process hearing.
- The right to receive written notice before any changes can be made to the student’s educational program.

Your signature below indicates that the rights and protections under IDEA that will transfer were explained and information and instruction regarding the ways in which the parent may continue to participate in the student’s educational decisions were provided to you by:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Parent/Guardian Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_ County School District  
Exceptional Student Education (ESE)

**Transfer of Rights at Age of Majority (Age 18)**  
**Description of Rights (by Age 17) – Student**

School: \_\_\_\_\_

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Age: \_\_\_\_\_

Florida law provides for the transfer of rights when an individual reaches the age of majority at age 18. An exception to this transfer can occur in response to a petition, a court determines that the individual is incapacitated and a guardian is appointed.

This is especially important for students with disabilities who receive exceptional student education (ESE) services under the Individuals with Disabilities Education Act (IDEA). **At least one year before the student reaches the age of majority, the student and parent must be informed of the rights under IDEA that will transfer**, including the legal rights and responsibilities regarding educational decisions. Information and instruction on self-determination must address the ways in which the parent may continue to participate in the student’s educational decisions, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in s. 1002.22, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.

Parents’ and students’ rights under IDEA are often called procedural safeguards and are described in the **Notice of Procedural Safeguards for Parents of Students with Disabilities** that is attached.

You will turn 18 within the next year. At that time, your parent(s)/guardian(s)’ rights under IDEA will transfer to you. Some examples of the rights that will transfer include:

- The right to give or revoke consent for an evaluation or reevaluation.
- The right to give or revoke consent for services.
- The right to give or revoke consent to invite certain agency representatives to IEP team meetings.
- The right to participate in mediation, file a state complaint, or request a due process hearing.
- The right to receive written notice before any changes can be made to your educational program.

Your signature below indicates that the rights and protections under IDEA that will transfer were explained and information and instruction regarding the ways in which the parent may continue to participate in the student’s educational decisions were provided to you by:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Student Signature*

\_\_\_\_\_  
*Date*



\_\_\_\_\_ County School District  
Exceptional Student Education (ESE)  
**Transfer of Rights at Age of Majority (Age 18)**  
**Parent Notification**

School: \_\_\_\_\_

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Age: \_\_\_\_\_

Florida law provides for the transfer of rights when an individual reaches the age of majority at age 18. An exception to this transfer can occur in response to a petition, a court determines that the individual is incapacitated and a guardian is appointed. This is especially important for students with disabilities who receive exceptional student education (ESE) services under the Individuals with Disabilities Education Act (IDEA).

Under IDEA, all rights accorded to you as the parent(s)/guardian(s) of a student with a disability transfer to your student on his/her 18<sup>th</sup> birthday. In addition, IDEA provides that you retain the right, along with the student, to receive any notices about his/her ESE program.

Your student has reached the age of majority and no documentation of court action limiting the transfer of rights under IDEA has been provided to the district. **Therefore, this notice is to inform you that all rights and protections previously accorded to you as the parent(s)/guardian(s) now transfer to your student.**

To support students with disabilities and their parents when the student attains the age of majority while in school, s. 1003.5716, F.S., requires school districts to provide information and instruction on the legal rights and responsibilities relating to options for maintaining parental involvement in educational decision-making, including:

1. Informed consent to grant permission to access confidential records protected under the Family Educational Rights and Privacy Act (FERPA) as provided in s. 1002.22, F.S.
2. Powers of attorney as provided in chapter 709, F.S.
3. Guardian advocacy as provided in s. 393.12, F.S.
4. Guardianship as provided in chapter 744, F.S.

If you have any questions regarding this notice, desire additional information on the options for maintaining parental involvement, or wish to obtain a copy of the *Notice of Procedural Safeguards for Parents of Students with Disabilities*, please contact the following:

Name/Title: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_



The School District of Osceola County, FL  
 Exceptional Student Education (ESE)  
 805 Bill Beck Boulevard, Kissimmee, FL 34744  
 Phone: 407-343-8700 Fax: 407-343-8775  
**AFFIRMATION OF PARTICIPATION**

District Contact: Karen Glenn, Supervisor for School Operations and Services

**Directions:**

To be completed by each non-public school within the jurisdiction of the public-school district. This form must be submitted to the designated representative of the public school within a reasonable time (10 days) following consultation with the public-school district regarding provision of special education services to parentally placed private school children. A copy of this document must be maintained by the school district.

**SECTION I – NON-PUBLIC SCHOOL INFORMATION**

Name of Non-public school: \_\_\_\_\_

Name of Non-public school representative: \_\_\_\_\_

School Address: \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

The Individual with Disabilities Education Act (IDEA) requires that timely and meaningful consultation occur between the local school district and non-public school officials prior to any decision that affects the location, identification, and provision of services to parentally placed private school children attending private schools within the jurisdiction of the public school district.

**SECTION II – CONSULTATION TOPICS**

The following topics were discussed during the consultation process:

1. Meaningful consultation meeting scheduled for August 31, 2023.
2. Private school officials were notified of meaningful consultation meeting by email.
3. Consult with private school representative.
4. Consult with parents of parentally placed private school students.
5. Conduct child find activities to locate, identify and evaluate children with disabilities who are enrolled in private schools by parents – Contact Cara Walls, Student Services at 407-870-4897.
6. Provide opportunities for eligible students to receive direct or indirect services.
7. Expend a proportionate amount of Part B funds as outlined by FLDOE.
8. The determination of the proportionate amount of federal funds available to serve parentally placed private school children with disabilities, including determination of how the amount was calculated.
9. How the process will operate to access funds throughout the school year.
10. District requested verification of students with disabilities enrolled by their parents in each private school.
11. If the LEA disagrees with the views of the private school officials on the provision of services or types of services, a written explanation will be provided.

**SECTION III – PARTICIPATION OF NON-PUBLIC SCHOOL**

- I affirm that meaningful consultation has taken place between the parents at my school and my staff concerning services for 2023 – 2024 school year.
- I affirm that meaningful consultation has taken place between my staff and the school district concerning the services for 2023 – 2024 school year.
- YES - I am interested in the provisions of ESE services for students with disabilities at my school. (Must complete student enrollment list attached).
- ESE students in our school would benefit from.
  - Staff development for private school teacher and administrators
  - Supplemental materials/programs to support ESE students being served in a general education setting
  - Direct Services via an Individual Service Plan

Other: \_\_\_\_\_

- This school is 'Not-For-Profit' and is located in Osceola County, Florida.
- NO – I am not interested in the provision of ESE services for the students with disabilities at my school.

Signature of Non-Public School Representative	Date
Signature of Public-School Representative	Date

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

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

### II.B.1 Autism Spectrum Disorder

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

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

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

### II.B.3 Developmentally Delayed

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

### II.B.4 Dual Sensory Impaired

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

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

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

### II.B.6 Established Conditions

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

### II.B.7 Homebound or Hospitalized

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

### II.B.8 Intellectual Disabilities

- Evaluations

- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

**II.B.9 Orthopedic Impairment**

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

**II.B.10 Other Health Impairment**

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

**II.B.11 Traumatic Brain Injury**

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

**II.B.12 Specific Learning Disabilities**

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

**II.B.13 Speech Impairments**

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

**II.B.14 Language Impairments**

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

**II.B.15 Visually Impaired**

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

**II.B.16 Related Services – Occupational Therapy**

- Evaluations
- Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

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

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

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

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

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

**III.A. Gifted**

Evaluations

Qualified Evaluators

Unique Philosophical, Curricular or Instructional Considerations

**Other**

### Appendix B.3

#### **Process for determining if a prekindergarten student will transition to kindergarten with the exceptionality of Developmental Delay.**

When a prekindergarten student transitions to kindergarten with the exceptionality of Developmental Delay, the IEP team will review all relevant data including review of record of initial eligibility, formal or informal assessments, data on progress of IEP goals, behavior intervention plan data and information obtained from the Child Outcome Summary (COS) process including parent input. After review of all relevant information, the IEP team will make recommendations for a reevaluation to determine if no additional testing is necessary and the student continues to be eligible for Developmental Delay or if testing is warranted because they suspect another eligibility is more appropriate, or if dismissal is warranted. If the developmental delay is deemed appropriate the IEP team will continue to monitor the student to determine if reevaluation is necessary and any time in the future prior to the student turning nine.

## **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**

| 78529

##### **Total Number of Gifted Students**

| 2061

##### **Percent of All Gifted Students**

| 2.62%

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

##### **Number of LEP Students**

| 20925

##### **Number of LEP Gifted Students**

| 28

##### **Percent of LEP Gifted Students**

| .13%

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

| 1.36%

\*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**

| 40274

#### **Number of Low SES Gifted Students**

| 963

#### **Percent of Low SES Gifted Students**

| 2.39%

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

46.72%

\*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.**

Increase the percentage of LEP Gifted Compared to Total Number of Gifted from 1.36% to 2%. Increase the percentage of low SES gifted compared to the total number of gifted students from 46.72% to 48%.

**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**



### **Screening and Referral Procedures**

During the fall semester, all second-grade students in all public, non-charter schools in Osceola County will take the Naglieri Nonverbal Ability Test-Third Edition (NNAT-3). This nonverbal test should aid in accurately identifying potential in underrepresented populations who are not usually identified through other means, such as teacher or parent nomination. Teachers are also being trained to identify underrepresented student groups as gifted through training in the Gifted Endorsement Classes. Schools also engage in the "GLIMPSE Model", a talent identification model wherein teachers collect a portfolio of student artifacts to use as a baseline for recommending students for individual screening, which is conducted with the CogAT (Cognitive Abilities Test). The GLIMPSE model is primarily implemented to identify students with a primary disability other than giftedness. Additionally, SDOC accepts all referrals from students, teachers, parents, or administrators who believe a student may be gifted. A student may be referred for evaluation at a maximum of one time per year, provided they have a portfolio of products that demonstrates a need and above average performance.

## **Gifted evaluation procedures and measurement instruments**

The MTSS Coach, School Counselor, Gifted Contact or other designated professional for facilitating gifted referrals must collect the screening results and the rating scales and review the student's records for additional information regarding the student, including standardized test scores, academic progress, and student characteristics. The Problem-Solving Team (PST), which must include the School Psychologist, at least one of the student's teachers, and the MTSS Coach, School Counselor/Gifted Contact, or other designated professional, must review all available information to determine if it is appropriate to refer the student for an evaluation of intellectual ability by a School Psychologist.

The Gifted contact will set up a Gifted PST meeting with the parent to review the screening results and obtain the *Notice and Consent for Initial Evaluation* (if the student is recommended for further evaluation).

The *Notice and Consent for Initial Evaluation* and *Prior Written Notice* are generated. Copies of the *Prior Written Notice* and *Procedural Safeguards for Exceptional Students Who Are Gifted* are provided to the parent.

The ninety (90) **school day** deadline for completing the evaluation begins the day the parent signs the consent. The School Psychologist has the discretion to choose the measurement instrument. Some examples that are used are the Wechsler Intelligence Scale for Children-5<sup>th</sup> edition; Reynolds Intellectual Assessment Scale; Wechsler Non-Verbal Scale of Ability. Once the evaluation is complete and the School Psychologist has written a report, the report. The Resource Compliance Specialist will schedule a staffing meeting to determine eligibility for the Gifted Program. If the student does not meet eligibility criteria, the RCS may choose to send home a letter with the report attached, instead of holding a staffing.

**THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA**  
**RATING SCALE FOR POTENTIALLY GIFTED STUDENTS/PLANS A AND B**

Student # \_\_\_\_\_ Student \_\_\_\_\_  
Last First M.

Date \_\_\_\_\_ DOB \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

Teacher \_\_\_\_\_ Referred by \_\_\_\_\_

Circle the appropriate numbers and total using the following code:

4=Consistently exhibits this characteristic      3=Often exhibits this characteristic      2=Sometimes exhibits this characteristic  
 1=Rarely exhibits this characteristic            0=Never exhibits this characteristic

**LEADERSHIP CHARACTERISTICS**

1	Is often perceived as a leader by peers	4	3	2	1	0
2	Exhibits charisma, spontaneity, and is people oriented	4	3	2	1	0
3	Accepts responsibility as a role model	4	3	2	1	0
4	Adapts easily to new situations	4	3	2	1	0
5	Is self-confident with peers	4	3	2	1	0
6	Shows active desire to share knowledge	4	3	2	1	0
7	Has strong opinion of people, events, and things	4	3	2	1	0
8	Often relates well to older age group	4	3	2	1	0
9	Takes initiative and shows independence of action	4	3	2	1	0
10	Views himself/herself as a leader	4	3	2	1	0
<b>Total points</b>						<input type="text"/>

**MOTIVATION CHARACTERISTICS**

1	Requires little direction from the teacher	4	3	2	1	0
2	Is curious	4	3	2	1	0
3	Becomes absorbed in topics of interest	4	3	2	1	0
4	Is self-motivated	4	3	2	1	0
5	Is self-critical and strives for perfection	4	3	2	1	0
6	Is concerned with right and wrong, good and bad, social issues	4	3	2	1	0
7	Dislikes adhering to rigid time schedule or fixed routine	4	3	2	1	0
8	Embraces a challenge	4	3	2	1	0
9	Takes advantage of opportunities to learn	4	3	2	1	0
10	Works well independently within an area of interest	4	3	2	1	0
<b>Total points</b>						<input type="text"/>

**ACADEMIC CHARACTERISTICS**

1	Learns quickly from limited exposure	4	3	2	1	0
2	Shows an interest in a variety of topics	4	3	2	1	0
3	Has ability to solve complex problems	4	3	2	1	0
4	Offers unusual, unique responses to problems and questions	4	3	2	1	0
5	Has the ability for high level abstract thinking	4	3	2	1	0
6	Has a questioning attitude	4	3	2	1	0
7	Expresses self well through various communication skills (verbal, body, written)	4	3	2	1	0
8	Self-motivated to read	4	3	2	1	0
9	Has a large amount of information about a variety of topics	4	3	2	1	0
10	Has quick mastery and recall of facts	4	3	2	1	0
<b>Total points</b>						<input type="text"/>

**CREATIVITY CHARACTERISTICS**

1	Displays a strong sense of imagination/fantasy	4	3	2	1	0
2	Generates a large number of ideas in creative problem-solving activities	4	3	2	1	0
3	Has diverse interests	4	3	2	1	0
4	Has a keen sense of humor	4	3	2	1	0
5	Is individualistic, non-conforming	4	3	2	1	0
6	Demonstrates ability to adapt, improve, or modify objects or ideas	4	3	2	1	0
7	Is resourceful	4	3	2	1	0
8	Experiments with a variety of materials and techniques	4	3	2	1	0
9	Is annoyed by routine details	4	3	2	1	0
10	Creatively uses words, symbols, and language	4	3	2	1	0
<b>Total points</b>						<input type="text"/>

**TOTAL POINTS ALL AREAS**

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**At Staffing, the Committee Shall Complete and Attach: Written Summary of Group's Analysis Page 3 for Eligibility for Gifted**

**THE SCHOOL DISTRICT OF OSCEOLA COUNTY, FLORIDA**  
**IDENTIFICATION MATRIX FOR POTENTIALLY GIFTED STUDENTS/PLAN B**

Student # \_\_\_\_\_ Student \_\_\_\_\_  
Date \_\_\_\_\_ DOB \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_  
Teacher \_\_\_\_\_ Referred By \_\_\_\_\_

**IDENTIFICATION FACTORS**

Check the reason below that qualifies this student as being in an under-represented group under plan B.

English Language Learner (LY or LF)       Low Socio-Economic Status

**CRITERIA A – RATING SCALES FOR POTENTIALLY GIFTED STUDENTS**

Look at total scores for Leadership, Motivation, Academics, and Creativity:

Score to Point Conversion: 140 – 160 = 10 Points; 119 – 139 = 8 Points; 98 – 118 = 6 Points; 77 – 97 = 4 Points

Total Points for Criteria A \_\_\_\_\_

**CRITERIA B – ASSESSMENT PERFORMANCE**

**NORM REFERENCED TESTS - MATH**

Indicate the Norm Referenced Test administered.

- |   |   |
|---|---|
| <input type="checkbox"/> Stanford Achievement Tests         | <input type="checkbox"/> Woodcock-Munoz Achievement (Spanish Version)   |
| <input type="checkbox"/> Florida Standards Assessment (FSA) | <input type="checkbox"/> Kaufman Test of Educational Achievement (KTEA) |
| <input type="checkbox"/> Other: _____                       |   |

Greater than or equal to 90<sup>th</sup> percentile = 5 points; 75<sup>th</sup> to 89<sup>th</sup> percentile = 4 points; 60<sup>th</sup> to 74<sup>th</sup> percentile = 3 points; 51<sup>st</sup> to 59<sup>th</sup> percentile = 2 points; **OR**

Math Statewide Standardized Assessment Score: Level 5 = 5 points; Level 4 = 4 points; Level 3 = 3 points

Points for Math \_\_\_\_\_

**NORM REFERENCED TESTS – ENGLISH LANGUAGE ARTS (ELA)/READING**

Indicate the Norm Referenced Test administered.

- |   |   |
|---|---|
| <input type="checkbox"/> DIBELS/NSGRA                       | <input type="checkbox"/> Woodcock-Munoz Achievement (Spanish Version)   |
| <input type="checkbox"/> Florida Standards Assessment (FSA) | <input type="checkbox"/> Kaufman Test of Educational Achievement (KTEA) |
| <input type="checkbox"/> ACCESS 2.0                         | <input type="checkbox"/> Other: _____                                   |

Greater than or equal to 90<sup>th</sup> percentile = 5 points; 75<sup>th</sup> to 89<sup>th</sup> percentile = 4 points; 60<sup>th</sup> to 74<sup>th</sup> percentile = 3 points; 51<sup>st</sup> to 59<sup>th</sup> percentile = 2 points; **OR**

ELA Statewide Standardized Assessment Score Level 5 = 5 points; Level 4 = 4 points; Level 3 = 3 points

Points for ELA/Reading \_\_\_\_\_

Total Points for Criteria B \_\_\_\_\_

**CRITERIA C – INTELLECTUAL ASSESSMENT ADMINISTERED BY SCHOOL PSYCHOLOGIST**

Indicate the Intellectual Assessment Instrument administered and place the appropriate point value in the points for the Criteria C Section. Partial scores may be used upon the recommendation of the school psychologist.

Score to Point Conversion: 125 – 129 = 10 points; 120 – 124 = 8 points; 115 – 119 = 6 points

Name of Intellectual Assessment Instrument: \_\_\_\_\_

Date Instrument Completed: \_\_\_\_\_ Score: \_\_\_\_\_ Score Used: Partial | Full

If partial is circled, school psychologist's signature to affirm its use: \_\_\_\_\_

Total Points for Criteria C \_\_\_\_\_

**SUMMARY**

**A minimum of 20 points is necessary** for eligibility for Plan B Gifted with a minimum of 6 points from Criteria C.

**Total Points Overall** \_\_\_\_\_

### **Eligibility Criteria**

Students are evaluated on a matrix that is completed by the Problem-Solving Team. This matrix includes the average of at least two Gifted Checklists measuring Leadership Characteristics, Motivation Characteristics, Academic Characteristics, and Creativity Characteristics; scores on norm-referenced tests in English Language Arts/ Reading and Math; and the score on the individually administered Intellectual Assessment. In order to meet eligibility criteria, students must:

- Demonstrate need for a special program,
- Demonstrate majority of gifted characteristics (Leadership, Motivation, Academic, Creativity)
- Demonstrate above average performance on norm referenced assessments in English Language Arts/ Reading and Math
- Minimum Intellectual Quotient of 115 or 1 standard deviation above mean on an individually administered test of intellectual abilities
- Be a member of one or more underrepresented groups: limited English Proficiency, and/ or a student from low-socio-economic status families to be considered for Plan B eligibility, and/or a student with a primary exceptionality other than giftedness (commonly called *twice-exceptional*).

A copy of the Identification Matrix & Rating Scale for Potentially Gifted Students/ Plans A and B are included as an attachment.

**Instructional Program Modifications or Adaptations**

Students identified as gifted are placed in classrooms with other gifted students and a gifted endorsed teacher in elementary school. In middle school, the students are placed in a gifted cluster or in a gifted elective. In high school, students have a teacher that consults with them or are placed in a gifted elective. In alignment with 1002.3105 F.S., schools also offer whole-grade and midyear promotion; subject-matter acceleration in the area of need; virtual instruction in higher grade level subjects; the Credit Acceleration Program; enrichment in STEM coursework; enrichment programs; advanced academic courses; curriculum compacting and telescoping; and flexible grouping or self-paced instruction where appropriate.

**District Evaluation Plan**

The district's gifted advisory committee meets monthly to evaluate progress toward increasing participation by students from underrepresented groups in the program for students who are gifted. The gifted advisory committee will review referral and placement data gathered by school psychologists, measuring identification of English Language Learners and Low- Socioeconomic Students. Eligibility for underrepresented populations is guided using the Identification Matrix for Potentially Gifted Students/Plan B. Osceola County will be offering a Gifted Micro-Course to educate teachers on the characteristics and identification of gifted students. The course aims to provide teachers with training in gifted characteristics that apply to all populations, with a focus on fostering more referrals for underrepresented groups. This initiative is designed to ensure that all students, regardless of background or demographics, have equal opportunities to be identified and supported as gifted.

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

Select from the following:

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



## CHAPTER 5.00 – STUDENTS

### USE OF TIME OUT, SECLUSION, AND PHYSICAL RESTRAINT FOR STUDENTS WITH DISABILITIES

5.343\*+

I. The School District shall implement behavioral management interventions for disruptive students to prevent and reduce significant disruptive behavior and to provide for the physical safety and security of students and staff when students pose a threat to themselves and/or others. The focus shall be on the use of the least restrictive but effective intervention(s) for each student.

#### II. Time Out

*Time out* is a procedure in which access to reinforcement is removed or reduced for a designated time.

A. *Nonexclusion time out* is the least restrictive form of time out. The student is allowed to observe the classroom activity but not participate.

B. *Exclusion time out* excludes the student from participation in and observation of classroom activities. The student remains in the classroom but cannot observe or participate in ongoing activities.

#### III. Seclusion

Pursuant to *Section 1003.573, Florida Statutes*, public school employees are prohibited from using seclusion. *Seclusion* is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

## CHAPTER 5.00 – STUDENTS

### IV. Physical Restraint

- A. *Physical restraint* is the use of manual restraint techniques that involve significant physical force applied by a teacher or other authorized employee to restrict movement of all or part of a student's body. It is a method to prevent a student from harming himself/herself or others.
- B. Physical restraint may only be used after authorized school employees exhaust appropriate positive behavior interventions and supports, and imminent risk of serious injury to the student exists and must be discontinued as soon as the threat posed by the student's dangerous behavior has dissipated.
- C. Physical restraint may only be implemented by trained, qualified school employees.
- D. Physical restraint may 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.
- E. Physical restraint techniques may not be used to inflict pain to induce compliance.
- F. Each school shall develop a crisis intervention plan for a student after a student has been restrained twice in a semester. The crisis intervention plan shall have specific requirements and shall be completed by a crisis intervention team that must include the parent, authorized school employees, and applicable physical and behavioral health professionals.

### V. Documentation and Reporting

All instances of time out, seclusion, and physical restraint shall be documented and reported as required by *Section 1003.573, Florida Statutes*, and the implementing policies and procedures promulgated by the State Board of Education and the School Board.

## CHAPTER 5.00 – STUDENTS

### VI. Notice, Monitoring, and Analysis

- A. At the beginning of each school year, the district shall post its policies and procedures on positive behavior interventions and supports as adopted by the school district.
- B. The use of physical restraint shall be monitored at the classroom, school, and School District levels.
- C. The use of the behavior interventions, the appropriateness of use, and the effectiveness of the interventions shall be analyzed.

### VII. Prohibitions

School District or school employees shall not use:

- A. Mechanical restraint;
  - However, this prohibition does not apply to School Resource Officers, School Safety Officers, School Guardians, or School Security Guards as described in *Section 1006.12, Florida Statutes*, who may use mechanical restraint in the exercise of their powers and duties to restrict students in Grades 6 through 12.
- B. Physical restraint or any other technique that:
  - 1. obstructs or restricts a student's breathing or blood flow; or
  - 2. places a student in a facedown position with the student's hands restrained behind the student's back; or
- C. Seclusion.

### VIII. Training

- A. The School District shall provide initial training for designated employees in the use of time out and physical restraint, and in the avoidance of seclusion, including the training components required by House Bill 149 (2021) [*Chapter 2021-140; specifically Section 1012.582, Florida Statutes*].
- B. Refresher training shall be conducted annually.
- C. Employees who have been trained in physical restraint techniques in positions outside of the School District shall receive training in School District methods.

## CHAPTER 5.00 – STUDENTS

### IX. Procedures

The Superintendent shall develop procedures to implement this policy and related statutes. Procedures shall include but not be limited to the following:

- A. Incident reporting;
- B. Data collection;
- C. Monitoring and analysis;
- D. Plan for reducing the use of restraint and seclusion;
- E. Identification of staff to be trained; and
- F. Training components.

#### STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

#### LAW(S) IMPLEMENTED:

1001.43, 1003.32, 1003.573, 1006.07,  
1006.11, 1012.75, 1012.582, F.S.

#### STATE BOARD OF EDUCATION RULE(S)

6A-6.03312

#### HISTORY:

ADOPTED: 02/01/11

REVISION DATE(S): 08/09/11, 02/07/12, 12/17/13,  
12/14/21, 05/17/22, 08/16/22

FORMERLY: NEW

## **The School District of Osceola County Positive Behavior Supports Policy and Procedures**

The School District of Osceola County is part of the FLPBIS Project. The FLPBIS Project at the University of South Florida offers training and technical assistance, including evaluation resources, to develop systems that sustain a practical, positive, and proactive PBIS framework in the district.

The Multi-Tiered System of Supports (MTSS) refers to all the instructional strategies, interventions, and resources that are used to help all students achieve. At each tier, the frequency of data collection and evaluation should match the intensity of the supports provided to students. The way that data are displayed and used will vary depending on the specific questions that are being asked. Data systems must be flexible enough so that teams may combine and disaggregate their information as needed to problem-solve effectively.

The district has a district level MTSS team that supports the schools. Each school has a MTSS Coach. The district also has a Coordinator for PBIS and Bullying Specialist and K-12 MTSS Behavior Support Specialist work directly with the FLPBIS project of the University of South Florida to support the district in providing and fostering a positive behavior environment in all schools. The Coordinator for PBIS and Bullying Specialist provides technical assistance to all schools.

The Student Services Department provide the following PBIS trainings:

1. PBIS
2. MTSS Behavior
3. Analyzing Behavior Data
4. Restorative Practices
5. Bullying Prevention
6. CHAMPS
7. Classroom Management

The Student Services Department provides Verbal De-Escalation training to school teams.

The Exceptional Student Education (ESE Department) is part of the District MTSS Committee. The ESE Department team provides technical assistance to schools, focusing on students with disabilities. Schools are expected to use a multi-tiered approach when working with students with disabilities, including students that exhibit behavior challenges. Positive Behavior Supports (PBS) is the primary method for addressing student behavior.

When students experience behavior challenges, teachers are expected to use positive behavior supports to address the behaviors. Schools can request district support when school-based staff need technical assistance with Tier 1 & 2 supports. If student continues to exhibit problem behaviors, the district behavior team provides Tier 3 supports by providing individualized behavior supports that includes a functional behavior assessment and behavior intervention plan.

Decisions are data driven with the goal to support the student in the least restrictive environment and without the use of restraints.

When a student is restrained two (2) or more times with a semester, the IEP team reconvenes to develop a crisis intervention plan. The crisis intervention plan is reviewed anytime the student is restrained again. During the IEP a review date is agreed upon to ensure the crisis intervention plan is continuously updated to support the student.

The Supervisor of Behavior Programs monitors the restraint data on a weekly basis to identify students that are getting restrained. When students get restrained two or more times within the semester, the Supervisor of Behavior Programs notifies the Resource Compliance Specialist, the school-based Administrator, and the district support staff. The district support staff goes out to the school and identifies what supports are needed. District support staff notifies the Supervisor of Behavior Programs and an action plan is developed to support school based team.

The Supervisor of Behavior Programs notifies the school-based administrator via phone or email and discusses the delivery of supports. Supports includes but is not limited to the development or to review/update of FBA/BIP, professional development for staff, development or review and update of crisis intervention plan, etc.

The ESE Department provides the following professional development:

1. Behavior Basics
2. Power of Reinforcement
3. FBA/BIP
4. Behavior Instructional Techniques
5. Data Collection
6. Non-Violent Crisis Intervention (CPI) includes verbal de-escalation & positive behavior supports.
7. Ukeru

The School District provides Non-Violent Crisis Intervention (CPI) trainings throughout the school year. Staff must attend a 2 Day CPI training and then annually attend a CPI Refresher to maintain an active status. Staff learn how to de-escalate students in crisis by using positive behavior supports and verbal de-escalation strategies. Staff must re-take a 2 Day CPI training, if they do not take CPI Refresher within a year.

The use of restraints is used as a last resort. It is only to be used after other less restrictive measures, such as de-escalation and positive behavior support techniques have been attempted. Only staff that has been trained in Non-Violent Crisis Intervention (CPI) can support student when they are in crisis. Supervisor of Behavior Programs monitors the staff that restrains students during a crisis to ensure they are CPI trained and to provide additional training, as needed.

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

This section is not applicable for the district.

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

**Describe the exceptional education services available within the lab school:**

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

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



# **District Best Practices for Inclusive Education (BPIE) Assessment**

as required by section 1003.57, Florida Statutes (F.S.).

**Osceola County School District**

**District Number: 49**

**Date Meeting Held: 11/16/2023**

# Initial Information

**FIN Facilitator:** Elaine Centeno

**District:** Osceola

**District Contact:** Hilary Deluca

**BPIE Assessment Team Members:**

Hilary DeLuca, Director for Exceptional Student Education

Kathleen Kaunda Supervisor of Compliance

Justin Bruscato Douglas District Program Specialist

Larissa Silfa-Velez District Program Specialist

Stephanie Bednar, District Speech Language Pathologist

Brittany Burg, District Compliance Specialist

Dr. Rene Clayton, Deputy School Superintendent of Teaching, Learning and Leading

Karen Glenn, Supervisor of Operations and Related Services

Jesse McHatton, District Compliance Specialist

Sarah McKenney, School Relations Specialist

Cynthia Mendez-Tindal, Supervisor of Operations for Transportation

Libby Raymond, Principal at Cypress Elementary

Yolanda Rodriguez-Brinkley, Supervisor for Behavior

Misha Santiago, District Program Specialist for Curriculum and Instruction, Elementary

Susan Simo, District Compliance Specialist

Erica "Halli" Stewart, Resource Compliance Specialist, Celebration K8 School

Cara Walls, Supervisor of Psychological Services

JaSheena Ekhaton- Executive Co-Director FIN

Dr. Elaine Centeno - FIN Facilitator

Michelle Patterson - FIN Facilitator

## Domain I: Leadership and Decision Making

Indicator	Implementation Status	Data Sources/Supporting Evidence
<p>1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high- incidence disabilities in general education and natural contexts in every school.</p>	<p>Partially Beginning</p>	<p>The district analyzes data and barriers to implement strategies to support SWD. The district outcome data has not significantly increased for SWD being served in a general education environment for 80% or more of the school day. There are frequent discussions regarding individual LRE data for all SWD and how the district can increase opportunities for students receiving instruction in the least restrictive environment. The district has an action plan for supporting inclusive opportunities for SWD. Data analysis sessions occur from the district level to the school level.</p>
<p>2. District data reflects that in each school there is alignment to the natural proportion of students with disabilities (SWD) in the district.</p>	<p>Partially Almost</p>	<p>District data in 2022-2023 reflects that most schools have a 12.4% alignment to the natural proportion of students with disabilities (SWD) in the district. There are a few schools that are above 12.4% of the natural proportion of SWD in the district. Some schools have a lower overall student population which impacts the proportion of SWD to peers without disabilities educated on school campuses. The students with disabilities at Celebration K-8 are around 10% which is consistent with district percentage of SWD population for 2022-2023.</p>

<p>3. District provides SWD with the same school choice options as students without disabilities to ensure all SWD receive educational services in their neighborhood school or school of choice.</p>	<p>Partially Almost</p>	<p>Osceola is a choice district and follows the same procedures for all students. The district does not have the same number of cluster sites as in previous years. Students with disabilities are provided the same school choice options as students without disabilities.</p>
<p>4. District data reflect that SWD, ages 3–5, receive special education and related services in the regular early childhood program with peers without disabilities.</p>	<p>Partially Beginning</p>	<p>The district is in the beginning stages of increasing blended classrooms comprised of SWD and their peers without disabilities. Blended Pre-K sites have been created at different schools and the district is collaborating with their Voluntary Pre-K program to provide opportunities for students with disabilities.</p>
<p>5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.</p>	<p>Partially Almost</p>	<p>The district starts with a formula to determine allocations and implements the inclusive scheduling process to make adjustments in the number of allocations based on student needs. Each school provides information to guide district decision making for teacher units. An administrator shared their input is considered during the budget process for teacher allocation units to support SWD on their school campus.</p>

<p>6. District has key personnel with expertise in inclusive best practices for all SWD who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.</p>	<p>Partially Almost</p>	<p>The size of the district makes knowledge of key personnel easy to obtain and access to those individuals as well. The district needs ongoing communication for all stakeholders regarding the progress of the BPIE assessment results at the school level. District program specialists are visiting schools frequently to support teachers, resource compliance specialists, and administrators to address the needs of SWD. Instructional walkthroughs with a focus on ESE are conducted by district staff and feedback is provided to stakeholders.</p>
<p>7. District has key personnel with expertise in the multi-tiered system of support (MTSS) and positive behavior intervention plans (PBIP) who provide ongoing professional learning (PL) and TA to schools to ensure that students who need them receive multi- tiered behavior supports in general education classrooms and natural contexts.</p>	<p>Partially Beginning</p>	<p>Students services staff has expanded this year in the realm of PBIS/MTSS for Behavior. The district's vision is to create a larger impact in the implementation of PBIS and the MTSS framework. A streamlined process for MTSS/behavior is needed as some schools may need more structure to implement with fidelity. The district has professional learning for the implementation of Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP) during the school year. The district has limited resources to provides consistent support for schools.</p>

<p>8. District data reflect that SWD who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.</p>	<p>Partially Beginning</p>	<p>Staffing difficulties make it difficult to implement behavior intervention strategies consistently. General education teachers need more professional learning to support students with behavioral needs. Many new teachers need more professional learning opportunities to expand their knowledge on how to respond to students with behavioral needs.</p>
<p>9. District policies and student transportation schedules indicate all SWD arrive and leave schools and district facilities at the same time, in the same place and on the same daily schedule as students without disabilities, except for those SWD who have an individualized education program (IEP) indicating a shortened school day.</p>	<p>Partially Beginning</p>	<p>All bus routes are inclusive of students with and without disabilities and they ride on the same buses. All buses arrive and leave at the same time for all students. There are no separate buses for schools. Students who attend special programs due to their disability, such as Deaf/Hard of Hearing, may spend more time on a bus or have alternative transportation, such as vans for students who need intensive behavioral supports.</p>
<p>10. District uses decision-making guidelines to ensure schools transition all SWD from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.</p>	<p>Partially Almost</p>	<p>There are procedures in place however from grade to grade, however procedures may not be implemented with fidelity. Additionally, transitions from elementary to middle, and middle to high may not be implmeneted with fidelity. There is a process of collecting verification of previous placement to ensure the LRE is followed when a student transitions to our district.</p>

<p>11. All district departments and schools use job interview questions to appraise an applicant's knowledge of, respect for and appreciation of differences in student learners and best practices for inclusive education, as applicable to the position.</p>	<p>Partially Almost</p>	<p>While some departments, such as Student Services and Exceptional Education have evidence of interview questions to support this indicator, however, other departments or schools may not be implementing fully. Observations at school sites indicate that this is not yet implemented fully, such as in paraprofessional interviews. There may not be evidence that every district department has interview questions pertaining to this Indicator. Team members expressed at the school site that there is evidence that interview questions do pertain to an applicant's knowledge of, respect for and appreciation of differences in student learners and best practices for inclusive education.</p>
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## Domain II: Instruction and Student Achievement

Indicator	Implementation Status	Data Sources/Supporting Evidence
12. District data reflect that SWD receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.	Partially Beginning	District data reflect that many SWD receive most of their education in age- and grade-appropriate general education classes. Currently, the majority of related services are provided outside of the general education classroom. The district has encountered difficulty with supporting some students with emotional behavioral disabilities in the general education classroom due to the level of support needed and current school-based staffing needs. However, the district is working towards addressing this goal.
13. District and school leaders receive ongoing and current information and PL about best practices for inclusive education for all SWD.	Partially Beginning	District and school leaders receive ongoing and current information and professional learning regarding best practices for inclusive education for all SWD. Within this school year, the district has created an ESE committee including district and school leaders, teachers, and paraprofessionals to address the needs of students with disabilities. The ESE director presents monthly to school administration and leadership teams. Additional stakeholders beyond the principal and assistant principal need more knowledge of best practices and procedures on inclusion for students with disabilities.



<p>14. District provides job-embedded, collaborative PL and TA to all schools to integrate IEP goals and objectives and the state academic achievement standards in general education classes and natural contexts.</p>	<p>Partially Almost</p>	<p>District provides job-embedded, collaborative professional learning and technical assistance to all schools to integrate IEP goals and objectives and the state academic achievement standards in general education classes and natural contexts. The Curriculum and Instruction and ESE departments work collaboratively to ensure the instructional coaches for ELA, Math, Science and Social Studies can provide technical assistance and coaching in instructional strategies for teachers of students with disabilities in general education classrooms. Professional learning opportunities are available for educators to use the district's new Goalbook program to support IEP development.</p>
<p>15. District provides ongoing PL and TA to all school leaders on the implementation of an inclusive scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWD in general education contexts, regardless of the type or severity of their disability.</p>	<p>Partially Almost</p>	<p>The district provides ongoing inclusive scheduling support and collaborative teaching professional learning throughout the year. However, at certain school sites, the master schedule does not always allow flexibility for adjusting the schedule. The district reports difficulties with inclusive scheduling at the elementary level, and more success at the secondary level.</p>

<p>16. District provides PL and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional and behavioral interventions for all SWD in general education and natural contexts.</p>	<p>Partially Beginning</p>	<p>Professional learning for data collection and data analysis is provided within the district through partnering departments, including Multi-Tiered System of Supports (MTSS) and Research Evaluation and Accountability (REA). Data analysis focuses on academics. Team members report that teachers can successfully collect data but have difficulty with the analysis component.</p>
<p>17. District provides ongoing, job-embedded, collaborative PL and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWD based on the state academic achievement standards.</p>	<p>Partially Beginning</p>	<p>The district offers ongoing, job-embedded, collaborative professional learning and technical assistance, including Collaborative Teaching and Inclusive Scheduling, to school-based personnel to implement best practices for inclusive education for all SWD. However, the limited time available for professional learning impedes the ability to reach school personnel. Additionally, most students with disabilities receive services during ELA and Math which may result in a disconnect in other subject areas.</p>
<p>18. District facilitates and supports access to assistive technology (AT), including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWD for meaningful learning, participation and communication in general education and natural contexts.</p>	<p>Partially Beginning</p>	<p>The district facilitates and supports access to assistive technology (AT), including augmentative and alternative communication (AAC), through the provision of communication core boards, distributed to all schools and placed in environments accessed by students with and without disabilities such as the playground. All SLPs have been provided with iPads for conducting AAC trials with students. The district provides devices and/or low-tech tools to individual students.</p>

<p>19. District provides job-embedded, collaborative PL and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.</p>	<p>Partially Beginning</p>	<p>The district has been building capacity across staff related to AT/AAC devices. The district's provision of professional learning using native language and subtitles has made an impact for stakeholders to receive more in-depth learning. The district has identified that professional learning appears to occur for specific situational needs and recognizes a need to provide more professional learning and technical assistance to paraprofessionals and family members.</p>
<p>20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.</p>	<p>Partially Beginning</p>	<p>District data reflects an increase in their Indicator 5A and reduction in their 5B data. The district has made progress by aligning the general education and access points standards in the district's pacing guide. At some sites, students with the most significant cognitive disabilities attend general education electives with paraprofessional support. Educators need professional learning and technical assistance on how to provide instruction to students with the most significant cognitive disabilities in general education classrooms.</p>
<p>21. District data reflect that SWD receive supplemental supports and services in order to participate in all school and district extracurricular activities.</p>	<p>Partially Almost</p>	<p>District data reflect that SWD receive supplemental supports and services to attend field trips, attend elective/specials such as PE, music, and art to ensure student participation in athletic programs with peers without disabilities.</p>

<p>22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non- instructional general education and natural contexts.</p>	<p>Partially Almost</p>	<p>The district provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities through the Peers for Partners in Learning program (PPL), Best Buddies, and Unified Cheerleading and Basketball.</p>
<p>23. District data reflect that all SWD are given equal consideration for recognition through honors, awards and other designations offered by schools.</p>	<p>Partially Almost</p>	<p>District data reflect that all SWD are given equal consideration for recognition including school honor roll and monthly character awards. Student celebrations are inclusive with all students having the opportunity to be honored.</p>

### Domain III: Communication and Collaboration

Indicator	Implementation Status	Data Sources/Supporting Evidence
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.	Partially Beginning	District provides personnel with information and resources pertaining to the use of person first language in all written and verbal communications. District materials for parents of Pre-K students have been created using the guidelines for person first language.
25. District documents, forms, program materials and other communication that refer to SWD reflect the use of person first language.	Partially Almost	The district office uses person first language (PFL) in written communication, disseminated materials, and professional learning. The Exceptional Student Education (ESE) department uses person first language in all communication, and district-provided materials, such as downloadable parent resources, use PFL. However, use of PFL is not consistent across schools yet, and in oral communication, staff may refer to classes as "units" or publish job titles include non-PFL terms such as "ASD Teacher".

<p>26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.</p>	<p>Partially Beginning</p>	<p>The district provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community. Student Services hosts parent nights and participates in new teacher training related to PBIS/MTSS-Behavior. School sites host parent nights as well, including a focus on behavioral support. The ESE Department provides learning opportunities for parents, including partnering with FDLRS for strategies to support student behavior at home. The district partners with the Family Network on Disabilities (FND) to provide Lunch and Learn opportunities for families. The district uses the Remind application for communicating information to parents of students with disabilities.</p>
<p>27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWD in inclusive classrooms and natural contexts.</p>	<p>Partially Beginning</p>	<p>The district provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWD in inclusive classrooms and natural contexts. School improvement plans address the needs of students with disabilities. Parents provide input through the Exceptional Student Advisory Council (ESAC). Parents are active participants with psychoeducational assessments; however, more training is needed for personnel on providing parent-friendly reports.</p>

<p>28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.</p>	<p>Partially Beginning</p>	<p>The district sends the annual parent survey from the Florida Department of Education for SWD, however team members noted there is limited survey completion. Parents are invited to participate in the BPIE assessment meetings at the district and school level.</p>
<p>29. District disseminates information to all families in the same manner and at the same time.</p>	<p>Partially Almost</p>	<p>District disseminates information to all families in the same manner and at the same time. The district and Exceptional Student Education departments have designated personnel, including a School Relations Specialist, to update information on the website, social media, and Remind application.</p>
<p>30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, post-secondary educational and career opportunities for students with the most significant cognitive disabilities, ages 18–21, to enroll in programs with adults without disabilities.</p>	<p>Partially Almost</p>	<p>The district works with Osceola Technical College (OTECH) and the CASE program for students with the most significant cognitive disabilities. The district hosts an Evening with the Agencies transition fair. Osceola Interagency meets monthly to support partnerships and information is shared (e.g. Florida Center for Unique Abilities) and Project Search.</p>

## Priority Indicators Selected By District

- Indicator 7. District has key personnel with expertise in the multi-tiered system of support (MTSS) and positive behavior intervention plans (PBIP) who provide ongoing professional learning (PL) and TA to schools to ensure that students who need them receive multi- tiered behavior supports in general education classrooms and natural contexts.
- Indicator 8. District data reflect that SWD who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.
- Indicator 12. District data reflect that SWD receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.





## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

District: School District of Osceola County

Date: 11/30/2023

**Purpose:** District personnel, FIN Facilitators, and other discretionary projects, as appropriate, will use the *Plan for Inclusive Education* to collaboratively develop short and long-term improvement efforts to address prioritized indicators from the Best Practices for Inclusive Education (BPIE) assessment.

In July 2013, Florida lawmakers enacted section 1003.57, Florida Statutes (F.S.) at <http://www.leg.state.fl.us/>, which defines inclusion as a student with a disability 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 access is provided to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

According to section 1003.57, Florida Statutes (F.S.): "Once every 3 years, each school district and school shall complete a Best Practices for Inclusive Education (BPIE) assessment with a **Florida Inclusion Network facilitator** and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures."

The Bureau of Exceptional Education and Student Services Strategic Plan (BEES) 2023-2024 goals is to increase regular class placement of students with disabilities to  $\geq 78\%$ , decrease separate class placement of students with disabilities to  $\leq 12.90\%$ , and decrease other separate environment placement of students with disabilities to  $2.90\%$ , resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based Plan for Inclusive Education.



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

<p><b>District Contact Information:</b></p> <p><b>Team Members/Titles:</b></p> <p><b>Hilary DeLuca: ESE Director</b>  <b>Yolanda Rodriguez-Brinkley: Supervisor of Behavior Programs</b>  <b>Karen Glenn: Supervisor of School Operations for ESE</b>  <b>Kathleen Kaunda: Supervisor of Compliance</b>  <b>Justin Bruscatto-Douglas: District Program Specialist for Curriculum and Instruction Secondary</b>  <b>Larissa Silfa-Velez: District Program Specialist for Curriculum and Instruction Elementary</b>  <b>Jessee McHatton: District Compliance Specialist</b>  <b>Susan Simo: District Compliance Specialist</b>  <b>Brittany Burg: District Compliance Specialist</b>  <b>Stephanie Bednar: District Program Specialist for Speech and Language</b>  <b>JaSheena Ekhaton: FIN Executive Co-Director</b>  <b>Dr. Elaine Centeno: FIN Facilitator</b></p>	<p><b>District BPIE Self-Assessment and Plan for Inclusive Education review dates:</b></p> <ul style="list-style-type: none"> <li>• Best Practices for Inclusive Education (BPIE) Self-Assessment Date: 11/16/23</li> <li>• District BPIE Priority Indicators:  Indicator 7: District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional learning (PL) and TA to schools to ensure that students who need them receive multi- tiered behavior supports in general education classrooms and natural contexts.</li> </ul> <p>Indicator 8: District data reflect that SWD who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.</p> <p>Indicator 12: District data reflect that SWD receives most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.</p> <p>Scheduled/future Plan for Inclusive Education Review Dates:   March 8<sup>th</sup> 2024 9 a.m.-11 a.m.</p>
<p><b>Top School BPIE Assessment Priority Indicators (based on July 2021-June 2022)</b></p> <p><b>Indicator 18:</b> Special, electives and career technical education (CTE) teachers have regularly scheduled opportunities to consult with special education teachers and related service providers to implement strategies that support the learning of all SWD in their classes. <b>(30.1% or 22 schools)</b></p>	



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

**Indicator 15:** School leaders provide job- embedded professional development for all school-based personnel, as appropriate for their job role, on best practices for inclusive education for all SWD. **(28.8% or 21 schools)**

**Indicator 26:** All paraprofessionals have received PD that includes clear descriptions of their work responsibilities and strategies for providing support to SWD in general education classrooms and natural contexts. **(27.4% or 20 schools)**

**Indicator 9:** School administrators communicate expectations for all school personnel to use person first language in all written and verbal communications. **(20.5% or 15 schools)**

**Indicator 7:** School administrators communicate expectations for all school personnel to share responsibility for all of the students in their building and consider all SWD as general education students first. **(19.2% or 14 Schools)**

Indicator 5			
	State Target	Current District Data and Source	District Target
Indicator 5A: Regular Class Placement	2022-2023: 77.7% 2023-2024: 78%	77.53% (FLDOE October FTE Final Survey Period 2, 2022-2023)	2023-2024: 78%
Indicator 5B: Separate Class Placement	2022-2023: 13.20% 2023-2024: 12.90%	19.86% (FLDOE October FTE Final Survey Period 2, 2022-2023)	2023-2024: 12.9%
Indicator 5C: Separate Environment	2022-2023: 3.00% 2023-2024: 2.90%	0.58% (FLDOE October FTE Final Survey Period 2, 2022-2023)	2023-2024: 0.58%



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

Indicator 3B		
	State Target	Current District Data and Source
Indicator 3B (ELA/Reading): Proficiency rate for students Grade 4 with IEPs against grade-level academic achievement standards	2022-2023: 24% 2023-2024: 26%	14.73% (FLDOE LEA Annual Performance Report 2023)
Indicator 3B (ELA/Reading): Proficiency rate for students Grade 8 with IEPs against grade-level academic achievement standards	2022-2023: 20% 2023-2024: 21.50%	9.57% (FLDOE LEA Annual Performance Report 2023)
Indicator 3B (ELA/Reading): Proficiency rate for students in HS with IEPs against grade-level academic achievement standards	2022-2023: 18% 2023-2024: 20%	11.41% (FLDOE LEA Annual Performance Report 2023)
Indicator 3B (Math): Proficiency rate for students Grade 4 with IEPs against grade-level academic achievement standards	2022-2023: 29% 2023-2024: 30.50%	19.38% (FLDOE LEA Annual Performance Report 2023)
Indicator 3B (Math): Proficiency rate for students Grade 8 with IEPs against grade-level academic achievement standards	2022-2023: 24% 2023-2024: 26.50%	16.51% (FLDOE LEA Annual Performance Report 2023)
Indicator 3B (Math): Proficiency rate for students in HS with IEPs against grade-level academic achievement standards	2022-2023: 16% 2023-2024: 18%	10.93% (FLDOE LEA Annual Performance Report 2023)



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

Indicator 3C		
	State Target	Current District Data and Source
Indicator 3C (ELA/Reading): Proficiency rate for students in Grade 4 with IEPs against alternate academic achievement standards.	2022-2023: 57% 2023-2024: 57%	40.74% (FLDOE LEA Annual Performance Report 2023)
Indicator 3C (ELA/Reading): Proficiency rate for students in Grade 8 with IEPs against alternate academic achievement standards.	2022-2023: 58.50% 2023-2024: 58.50%	50.49% (FLDOE LEA Annual Performance Report 2023)
Indicator 3C (ELA/Reading): Proficiency rate for students in HS with IEPs against alternate academic achievement standards.	2022-2023: 61.50% 2023-2024: 61.50%	50.83% (FLDOE LEA Annual Performance Report 2023)
Indicator 3C (Math): Proficiency rate for students in Grade 4 with IEPs against alternate academic achievement standards.	2022-2023: 56.50% 2023-2024: 56.50%	48.78% (FLDOE LEA Annual Performance Report 2023)
Indicator 3C (Math): Proficiency rate for students in Grade 8 with IEPs against alternate academic achievement standards.	2022-2023: 62.50% 2023-2024: 62.50%	49.04% (FLDOE LEA Annual Performance Report 2023)
Indicator 3C (Math): Proficiency rate for students in HS with IEPs against alternate academic achievement standards.	2022-2023: 63% 2023-2024: 63%	50.30% (FLDOE LEA Annual Performance Report 2023)



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

Indicator 3D		
	State Target	Current District Data and Source
Indicator 3D (ELA/Reading): Gap in proficiency rates for Grade 4 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 29.50% 2023-2024: 28%	31.99% (FLDOE LEA Annual Performance Report 2023)
Indicator 3D (ELA/Reading): Gap in proficiency rates for Grade 8 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 36.40% 2023-2024: 35%	35.18% (FLDOE LEA Annual Performance Report 2023)
Indicator 3D (ELA/Reading): Gap in proficiency rates for HS students with IEPs and all students against grade level academic achievement standards.	2022-2023: 35.20% 2023-2024: 34%	32.46% (FLDOE LEA Annual Performance Report 2023)
Indicator 3D (Math): Gap in proficiency rates for Grade 4 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 25% 2023-2024: 24%	28.61% (FLDOE LEA Annual Performance Report 2023)
Indicator 3D (Math): Gap in proficiency rates for Grade 8 students with IEPs and all students against grade level academic achievement standards.	2022-2023: 31.80% 2023-2024: 31%	34.48% (FLDOE LEA Annual Performance Report 2023)
Indicator 3D (Math) Gap in proficiency rates for HS students with IEPs and all students against grade level academic achievement standards.	2022-2023: 20% 2023-2024: 19%	20.68% (FLDOE LEA Annual Performance Report 2023)



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

**District BPIE Assessment Priority Indicator(s):**

Indicator 7: District key personnel with expertise in the MTSS and Positive Behavior Intervention Plans who provide ongoing professional learning and technical assistance to schools to ensure that students who need them receive them receive multi-tiered behavior supports in general education classrooms and natural contexts.

**Please check all SPP Indicators that apply if applicable:**

Indicator 5A: Regular Class Placement: \_\_\_\_\_ Indicator 5B: Separate Class Placement \_\_\_\_\_ Indicator 5C: Separate Environment: \_\_\_\_\_  
Other: \_\_\_\_\_

**SMART Goal 1:**

By July 2024, the School District of Osceola County will provide quarterly building capacity sessions for district and school staff in the implementation of the MTSS framework for academics and behavior.

<b>Goal 1 Action Steps:</b>	<b>By Whom:</b> (FIN, District, Other Collaborative Partner)	<b>By When:</b> (Deadline for Completion– Month/Year)	<b>Follow-up:</b> (Measurable and aligned with each action step)	<b>By What:</b> (Provide evidence that will demonstrate completion of Action Step.)	<b>Status:</b> (Completed, in-progress, revised, additional goal/action step)
1. The district will facilitate building capacity sessions for district and school staff on the components of the MTSS Framework to ensure common understanding and implementation.	District	June 2024	The district will align with MTSS leadership team to ensure that there is a shared understanding of implementation of content shared during the technical assistant sessions.	Agenda  Calendar of technical assistance sessions	



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

<p>2. The ESE department will continue to partner with district and school-based teams to monitor student data to ensure progress or response to interventions are provided by school staff.</p>	<p>District</p>	<p>June 2024</p>	<p>The district will continue to conduct data chats with identified schools and develop a plan of action for students who have regressed.</p>	<p>Schedule of data-chats dates and notes from meetings</p>	
<p>3. The district will continue to facilitate professional learning sessions to sustain best practices for the MTSS process.</p>	<p>District</p>	<p>June 2024</p>	<p>The district will refine professional learning and/or technical assistance sessions based on student data and feedback from district and school staff.</p>	<p>Calendar of professional learning  Sign-in sheets</p>	
<p><b>Notes/Comments:</b>  ESE Director will bring goals to MTSS leadership team.</p>					

**Commented [EC1]:** PBIS/ PSRTC Carlos

**Commented [EC2R1]:** carlos provided feedback. all is ok waiting for PBIS project





## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

<p><b>District BPIE Priority Indicator(s):</b></p> <p>Indicator 8: District data reflects that SWD who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.</p>					
<p><b>Please check all SPP Indicators that apply if applicable:</b></p> <p>Indicator 5A: Regular Class Placement: <input checked="" type="checkbox"/> X <input type="checkbox"/> Indicator 5B: Separate Class Placement <input checked="" type="checkbox"/> X <input type="checkbox"/> Indicator 5C: Separate Environment: <input type="checkbox"/>             Other: _____</p>					
<p><b>SMART Goal 2:</b></p> <p><b>By June 2024, the School District of Osceola County will have quarterly professional learning and technical assistance necessary to allow SWD to safely access learning in the least restrictive environment.</b></p>					
Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. The district will identify schools who have SWD who have been suspended at a greater rate than their peers without disabilities in the general education environment.	District	February 2024	The district will schedule technical assistance sessions to identify the function of behavior and share strategies on how to increase positive behaviors.	Presentation information, schedule of technical assistance sessions	
2. The district will facilitate professional learning or	District	June 2024	The district will monitor suspension	Presentation information,	



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

<p>technical assistance to address behavior strategies for SWD. (e.g., Non-Violent Crisis Prevention, UKERU, Behavior Basics, Use of Reinforcements, Data Collection, Functional Behavior Assessment, Verbal Behavior-Mapp)</p>			<p>and expulsion data for students with disabilities</p>	<p>schedule of supports and student data</p>	
<p>3. The district will identify students with language impairments who have been restrained or have significant documented behaviors.</p>	<p>ESE Department</p>	<p>June 2024</p>	<p>The district SLP's will support communication needs via different multi-modality means.</p>	<p>List of students with language impairments who have been restrained or have significant documented behaviors.</p>	
<p><b>Notes/Comments: This goal and action steps reflects ESE Department strategic plan. The ESE Department has developed multidisciplinary teams by regions to problem-solve the needs of students with disabilities. ***Focus on social skills instruction for 24-25 school year.</b></p>					



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts

<b>District BPIE Priority Indicator(s):</b> Indicator 12: District data reflect that SWD receives most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.					
<b>Please check all SPP Indicators that apply if applicable:</b>  Indicator 5A: Regular Class Placement: <input checked="" type="checkbox"/> Indicator 5B: Separate Class Placement <input checked="" type="checkbox"/> Indicator 5C: Separate Environment: <input type="checkbox"/> Other: _____					
<b>SMART Goal 3:</b>  By July 2024, the School District of Osceola County will increase Indicator 5A from 77.53% to 78.00% and decrease Indicator 5B from 19.86% to 12.90% by facilitating the scheduling process with identified schools.					
Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	Follow-up: (Measurable and aligned with each action step)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district ESE Leadership will prioritize school sites for technical assistance and professional learning that are below 78.00 % on indicator 5A and greater than 12.90 % on Indicator 5B.	District  Florida Inclusion Network	January 2024	District ESE and FIN will identify schools who are below 78.00% on 5A and above 12.90% on indicator 5B	Agenda  Sign-in Sheet	
2. FIN will collaborate with district ESE leadership staff to provide professional	District	February 2024	The district will contact schools to provide technical assistance sessions	Agenda  Sign-in sheets	



## Plan for Inclusive Education: Short and Long-Term Improvement Efforts


learning and technical assistance to school-based leadership teams to determine why least restrictive environment impacts is calculated and the impacts of SWD.	Florida Inclusion Network		on the scheduling process.		
3. FIN and District ESE leadership will facilitate the inclusive scheduling process at all school sites.	District Florida Inclusion Network	July 2024	District ESE leadership team will identify schools to facilitate the inclusive scheduling process.	Calendar of scheduling events Sign-in Sheet Agenda	
<p><b>Notes/Comments:</b></p> <p><b>The district has a specific scheduling process and elementary schools are provided with master scheduling templates. St Cloud High School has a PPL program and will need the scheduling process for the students enrolled in PPL course.</b></p>					

**Bureau of Exceptional Education and Student Services**  
**Exceptional Student Education (ESE) Policies and Procedures (P&P) Signature Page**

School District:	Osceola County
ESE Director:	Hilary DeLuca

This document is effective for the **2024-2025** school year.

**CERTIFICATION OF APPROVAL**

I, <span style="border: 1px solid black; padding: 2px;">Mark Shanoff</span> , do hereby certify that each of the statements below are true:	
 _____ Signature of Superintendent of School District Authorized Representative of Governing Body or Agency	<span style="border: 1px solid black; padding: 2px;">7/30/24</span> Date of Approval or

**SPECIAL PROGRAMS AND PROCEDURES**

The district's *ESE P&P* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any Florida Statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act and its implementing requirements found in Title 34, section 300, Code of Federal Regulations.

**SCHOOL DISTRICT ESE P&P**

Any district-produced ESE P&P documents that meet the following criteria have been submitted to the Florida Department of Education with the ESE P&P. Such documents would include:

- Supplemental information contained in the district's ESE P&P;
- Exceptional student education policies or procedures addressed by the school district; and
- School district policies that are adopted by the school board.