

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

**School District**

**Seminole**

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

**EFFECTIVE DATE:**

**2020-2021 through 2022-2023**

## **Part I. General Policies and Procedures**

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

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

Title 34 Code of Federal Regulations(CFR) § 300.641

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

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

#### **Requirement Related to ESE Policies and Procedures**

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

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

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

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

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

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

##### **District Level Standards**

##### **Districts shall:**

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

## District Monitoring Standards

### Districts shall:

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

### School Level Standards

### Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
  - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.
  - Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
  - Obtaining the parent's signed acknowledgement of receipt of the notification.
  - Maintaining the documentation of the parent's signed acknowledgement of notice.
- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

### Requirement Related to the Use of Restraint and Seclusion

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

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

### District Policies Regarding Restraint and Seclusion

**Physical restraint – One of the following must be selected:**

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

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

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

**Assurances**

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

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

**Documentation and Incident Reporting**

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
  - a. The name of the student restrained or secluded
  - b. The age, grade, ethnicity, and disability of the student restrained or secluded
  - c. The date and time of the event, and the duration of the restraint or seclusion
  - d. The location at which the restraint or seclusion occurred
  - e. A description of the type of restraint used in terms established by the FDOE

- f. The name of the person(s) using or assisting in the restraint or seclusion of the student
- g. The name of any nonstudent who was present to witness the restraint or seclusion
- h. A description of the incident, including the following:
  - i. The context in which the restraint or seclusion occurred
  - ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
  - iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
  - iv. What occurred with the student immediately after the termination of the restraint or seclusion
  - v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
  - vi. Evidence of steps taken to notify the student's parent or guardian

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

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

### **District Procedures**

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

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

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

On the day of the incident, written notification is provided to the parent/guardian by hand delivery, fax, email attachment, or sent home with the student. A parent notification letter template has been developed by the district and is provided to all school sites electronically. The parent notification letter is completed by the principal or designee. Additionally, the parent/guardian receives notification by phone call and/or email by the principal or designee informing them of the incident and written notification. This policy is in effect for all SCPS sites and students, including charter schools, DJJ sites, and contracted/residential sites.

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

The written notice is prepared by the school principal or designee. The school principal is responsible for preparing the written notice unless he or she is unavailable. Depending on the school site, the personnel responsible will vary but may include the assistant principal, school administration manager, dean, teacher, or certified school counselor. This policy is in effect for all SCPS sites and students, including charter schools, DJJ sites, and contracted/residential sites.

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

On the day of the incident, the principal or designee contacts the parent via telephone (or email or both) and informs the parent that an incident of restraint and/or seclusion has occurred and that written notification will be provided on the day of the incident. Additionally, the principal or designee will inform the parent that a full incident report will be provided within three school days and delivered via U.S. mail. At least two attempts are made to reach the parents by phone. In the event that the school staff is unable to reach the parent by phone and an email address is available, the principal or designee will notify the parent of the incident through email. This policy is in effect for all SCPS sites and students, including charter schools, DJJ sites, and contracted/residential sites.

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

Records of all incident reports and written notification letters are maintained by the principal or designee in a file at the school site. The file contains all notification letters to parents, full incident reports, acknowledgement receipts, and supporting documentation. If the parent does not provide a signed acknowledgement of the written notification, reasonable efforts will be made to obtain the signed acknowledgement of the notification, including contacting the parent by phone and/or email; providing the notification a second time; and mailing the notification via U.S. mail with certified mail/return receipt requested. If the parent fails to acknowledge receipt of the written notification, a minimum of two additional attempts will be made and documented to secure the acknowledgement and will be maintained in the documentation file. All records related to restraint and seclusion, including notification letters, full incident reports, acknowledgement receipts, and supporting documentation, will be kept separately from the student's confidential ESE file.

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

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

The principal/designee will be responsible for preparing the incident report.

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

The principal/designee accesses the Florida Department of Education's web site for incident reporting, utilizing assigned log in information and procedures, and completes the web-based incident report for restraint and/or seclusion. Upon finalization of the report, a final report is saved in the reporting web site and the report is printed. The printed final report is provided to the parent by mail within three (3) school days of the incident of restraint and/or seclusion along with a cover letter. This cover letter has been developed by the district and is provided to all school sites electronically.

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

A file is maintained at the school site by the principal/designee where the restraint and /or seclusion incident occurred that will contain all notification letters to parents, incident reports, acknowledgement receipts, and supporting documentation. If the parent does not provide a signed acknowledgement of the written notification, reasonable efforts will be made to obtain the signed acknowledgement of the notification, such as mailing the notification a second time, maintaining a photo copy of the addressed and stamped envelope, or mailing a second time with Certified Mail/ Return Receipt Requested. These attempts will also be maintained in the documentation file. If the parent fails to acknowledge receipt of the incident on the incident report, a minimum of two additional attempts will be made to secure the acknowledgement.

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

The district utilizes the same procedures for training and monitoring the implementation of restraint and seclusion practices and reporting requirements for charter schools, DJJ Facilities, and contracted residential facilities as it does for district-operated schools.

This data is monitored by the district monthly.

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

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

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

The principal/designee will be responsible for preparing the incident report and a designated ESE administrator monitors the information entered at each school.

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

Each incident of restraint and/or seclusion will be reported on the Florida Department of Education website within twenty four hours. The Student Support Services (SSS) administrative team, which includes the Executive Director of SSS and Area Administrators, will review incidents of restraint and seclusion at the district-level, school-level, and classroom-level each month. Based upon the review, the SSS Administrative team determines whether further IEP action is needed such as a review/update of Behavior Intervention Plans (BIPs) and/or review/update of IEPs to reflect additional or change in ESE services. Additionally, the SSS Administrative team may determine that additional training or technical assistance is needed at the district, school, or classroom level.

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

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

a) The principal or designee is responsible for data entry in the FDOE web-based system. The principal or designee at each school, including charter schools, DJJ facilities, and contracted residential facilities, is responsible for collecting and reporting data within the school. b) The school principal or designee is provided training by the Student Support Services (SSS) Department regarding the content of the written notice. Additionally, ongoing technical assistance and training is provided to the principal or designee regarding the written notice. c) Schools are provided training by the SSS Department regarding the requirements to provide email or telephone contact to parents on the day of the incident. Additionally, ongoing technical assistance and training is provided to the principal or designee regarding parent contact. d) The School principal or designee is provided training by the SSS Department regarding the provision of written notice and incident reports to the parent within the required timelines (3 days). Additionally, ongoing technical assistance and training is provided to the principal or designee regarding specific timelines. e) The school principal or designee is provided training by the SSS Department and instructed to designate a file to maintain documentation of the parent's acknowledgements of the receipt of written notices and reports. The principal or designee is instructed to designate this file in an area separate from the student's confidential ESE file. Additionally, ongoing technical assistance and training is provided to the principal or designee regarding specific timelines. f) The school principal or designee is provided training by the SSS Department regarding the requirement to make a minimum of two additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report. The school principal or designee is instructed to maintain documentation of a minimum of two additional attempts to obtain written acknowledgement. The school principal or designee is also provided training regarding alternative modes of obtaining written acknowledgement (i.e., certified mail/return receipt). This policy is in effect for all SCPS sites and students, including charter schools, DJJ sites, and contracted/residential sites.

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

Classroom and School Building Levels: The Student Support Services Administrative team will collaborate with school principals to monitor and ensure that personnel are appropriately trained in accepted methods of restraint and/or seclusion. District Level: The FDOE web-based system will be closely monitored at the district level by the SSS Administrator designated by the Executive Director in order to analyze incidents of restraint and/or seclusion. Based on a regular review of the data, meetings will be held with the appropriate school administrators and personnel to review data and determine if a need exists to review functional behavior assessment and/or behavior intervention plans, individual education plans (IEPs), etc. The SSS Administrators will monitor attendance at crisis intervention trainings (i.e., Professional Crisis Management and/or Nonviolent Crisis Intervention) to ensure that all appropriate personnel have successfully received training. On a monthly basis, the SSS Administrative team will review when, where, and why incidents of restraint/seclusion have occurred. The SSS Administrative team will analyze data at the district-level, school-level, classroom-level, and student-level to determine the type of additional intervention needed.



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

a) Following the monthly review of the data at a district level with the SSS Administrative team, the appropriate SSS Administrator then schedules meetings with the school principal or designee and classroom personnel directly involved in the use of restraint and seclusion, as needed, to share information about incidents of restraint and/or seclusion. b) Based on the monthly review by the SSS Administrative team and school-based meetings with the SSS Administrator, Principal or designee, and appropriate classroom personnel, it is determined whether additional IEP team action is needed which may include, but not limited to, developing or revising the functional behavior assessment (FBA), developing or revising the individual behavior intervention plan (BIP), developing or revising the individual education plan (IEP) to reflect additional ESE services or a change in ESE services.

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

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

Seminole County Public Schools utilizes two crisis intervention programs: Professional Crisis Management (PCM) and nonviolent crisis intervention. Crisis Prevention Institute and Professional Crisis Management are offered through professional development and priority is given to personnel working with students or in schools that have services for students with autism spectrum disorders (ASD), emotional behavioral disabilities (EBD), intellectual disabilities (IND) and pre-k disabilities. PCM training is prioritized for teachers, assistants, and administrators that work with schools that have services for students that have autism spectrum disorders due to PCM's research base in applied behavior analysis. Additionally, our two center schools for students with comprehensive Emotional Behavioral Disorders also receive training in PCM. All other staff members that work with students with EBD, students with IND, etc. that require training in crisis intervention are trained in nonviolent crisis intervention. Special Note on Seclusion – Seclusion is only used at two schools within Seminole County Public Schools: Endeavor School (6-12) and Hopper Center (K-5). Endeavor School and Hopper Center are center schools for students with emotional/behavioral disabilities. Administrators and staff members at both schools exercise caution when utilizing seclusion as a crisis intervention procedure. The ESSS Administrative team, in collaboration with school administration, work collaboratively to monitor incidents of seclusion and ensure appropriate supports are in place to prevent and de-escalate behaviors before seclusion is utilized.

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

Seminole County Public Schools follows the guidelines set forth by the Crisis Prevention Institute and Professional Crisis Management Association. These guidelines include twelve hours of professional development for Crisis Prevention Institute and twenty two hours of professional development for Professional Crisis Management. Both systems of crisis intervention utilize a competency-based approach to ensuring staff members have both the skills and knowledge necessary to implement crisis intervention procedures. A test is given to participants to assess proficiency on the course material and a practical exam is administered that assesses the participant's ability to correctly demonstrate the procedures. Annual recertification is required by both systems to maintain certification.

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

The Exceptional Student Support Services (ESSS) Department maintains a data base to track level of certification, dates of initial training, refresher training and expiration dates for each individual trained. The ESSS Administrator designated by the ESSS Executive Director keeps a database and the instructors also has access to the official database through Professional Crisis Management. For Crisis Prevention Institute, the nonviolent crisis intervention instructors have access to the IANCI to check on certification and ensure practitioners stay current with their certification.

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

Refresher training is required for both nonviolent crisis intervention and PCM and is done on an annual basis in order to maintain certification. A seven hour recertification course is required every year in order to maintain certification for PCM. A four hour refresher class is required every year to maintain certification in nonviolent crisis intervention. The ESSS Administrators collaborate with each school site to ensure practitioners are informed when they will be coming due for refresher training to maintain certification.

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

During summer and pre-planning the ESSS Administrators will review in-service participants to determine future training participants. The ESSS Administrators will ensure new teachers and new sites are a priority status for training. The ESSS Administrators will disseminate to the Principals and Assistant Principals the list of trained personnel. The ESSS Administrators will review upcoming crisis intervention training opportunities with school-based administrators and assign personnel in need of training to an upcoming training. The ESSS Administrators will ensure assistant principals and other appropriate school-based staff are trained in the strategies and procedures associated with either nonviolent crisis intervention and/or PCM.

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

Yes. If needed, charter schools within the district use the same crisis management program that is in use for district-operated schools.

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

n/a

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

**Does the district prohibit the use of restraint?**

- Yes  
 No

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

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

Seminole County Public Schools will reduce the number of incidents of restraint from 415 (18-19) to 373 (10% reduction) by May 2021. SCPS reviewed the data for the 18-19 and 19-20 school years and determined utilizing the 18-19 data accounted for student attendance for the entire year and the 19-20 data did not account for student nonattendance during COVID-19 school closure (March 23-May 27, 2020).

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

- c. Data review
- d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
- e. Additional student evaluations
- f. Debriefing with staff
- g. Use of schoolwide positive behavior support
- h. Changes to the school environment

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

During the 2017-18 school year, Seminole County had 534 incidents of restraint.

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

During the 2018-19 school year, Seminole County had 415 incidents of restraints. During the 2019-2020 school year, Seminole County had 346 incidents of restraints (August 12, 2019 - March 12, 2020 – due to COVID-19 school closure).

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

Seminole County observed a 16.6% decrease in the total incidents of restraint between the 18-19 and 19-20 school years.

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

The district as a whole observed a decrease in the total number of restraints. The district's use of the district behavior curriculum support team and student IEP teams were utilized to address and support behavior, which contributed to the decrease in incidents of restraint. School closure due to COVID-19 from March 23-May 27, 2020 also contributed to the decrease in incidents of restraint.

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

Yes, SCPS did achieve its overall goal of reducing incidents of restraint by 10% for the 18-19 school year. The rate of reduction of restraint for the 18-19 school year was 22.3% from the 17-18 school year.

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

There were 5 students that were restrained 15 or more times during the 18-19 school year. For the 19-20 school year, 3 students were restrained 15 or more times. For each of these students SCPS Behavior Curriculum Support Team provided consultative as well as direct supports in the classroom. Functional behavior assessments and behavior intervention plans have been developed, reviewed, and adjusted as needed throughout the school years.

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

- Yes
- No

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

Prone restraints may only be implemented when proper safety equipment is available and when other features of the setting are conducive to its use. In particular, a foam mat a minimum of 6' x 4', at least 2 inches thick, must be used when implementing a prone procedure. Only individuals with Practitioner 2 PCM certification are trained and authorized to implement prone immobilization procedures. Prone procedures are only used after an attempt to transport an individual has failed or is likely to fail. If attempts to transport the individual have failed, or seem likely to fail, then vertical immobilization procedures are considered first, prior to considering the need for prone immobilization procedures. If breakdown of vertical immobilization procedures appear imminent, then the use of prone immobilization procedures are considered. The implementation of a prone procedure as a result of transportation breakdown or imminent breakdown is acceptable when the practitioner is certain that vertical immobilization would not be sufficient to control the aggressive, disruptive, or self-injurious behavior and safety and certification requirements have been met.

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

The Student Support Services Department (SSS) will monitor the use of prone restraints by analyzing data gathered from the Department of Education's web-based reporting system. The Student Support Services Department will review incidents of prone restraints every month at the district, school, classroom, teacher, and student levels. Based on the review and analysis of the data, the SSS Department will collaborate with school-based administration to develop a plan for reducing the frequency of prone restraints. This may include convening the IEP team to review the Functional Behavior Assessment and Behavior Intervention Plan. Additionally, an emphasis will be placed on utilizing the least restrictive alternative (i.e., transportation and vertical immobilization procedures should be considered first before considering the need for prone immobilization procedures) in all PCM certification and recertification classes.

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

- Yes
- No

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

N/A

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

N/A

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

Primary Exceptionality: ASD 38.4% 19-20 49.9% 18-19 DD 0.3% 19-20 0% 18-19 Dual Sensory 0.3% 19-20 0% 18-19 EBD 22.5% 19-20 21.7% 18-19 OHI 17.9% 19-20 3.9% 18-19 IND 13.6% 19-20 19.5% 18-19 SLD 3.2% 19-20 1.7% 18-19 LI 0.6% 19-20 0.5% 18-19 SI 1.2% 19-20 0.2% 18-19 504 2.0% 19-20 0% 18-19 Race: White 53% 19-20 53% 18-19 Black 34% 19-20 32% 18-19 Two or More 9% 19-20 14% 18-19 Native American 1% 19-20 0% 18-19 Ethnicity: Hispanic 21% 19-20 32% 18-19 Non Hispanic 79% 19-20 68% 18-19 Type of Restraint Used: Prone 59% 19-20 76% 18-19 Standing 18% 19-20 11% 18-19 Seated 1% 19-20 0.5% 18-19 Supine 1% 19-20 0% 18-19 Immobilization while in transport 21% 19-20 13% 18-19

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

Each month, the Student Support Services Department administrative team reviews all incidents of restraint at the district, school, classroom, and student level. Based on this review, the administrative team conducts a structured problem solving process to identify the root cause of incidents of restraint. Upon identification of the root cause, the administrative team develops an action plan for the district, school, classroom or student and allocates the resources needed to implement the action plan.

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

SCPS utilized a combination of data from the 18-19 and 19-20 school year to determine the measurable annual goal for the reduction of restraint. Due to COVID-19 school closure, a full school year of student attendance data was unable to be collected for the 19-20 school year. SCPS observed a decrease in the overall number of restraints from the 17-18 to 18-19 and 18-19 to 19-20 school years; therefore, it was determined that an overall goal of a 10% reduction would be meaningful and attainable for the 2020-21 school year.

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

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

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

1. Implement district-wide strategies: Through the Student Support Services department's commitment to a monthly review of all restraint incidents, the administrative team conducts a structured problem-solving process to determine the root cause of incidents of restraint, particularly with students who have a high level of restraint. Based on that review and determination of root cause, the administrative team, in collaboration with school-based administrators, then allocates resources and develops an action plan to achieve a meaningful reduction in restraint. 2. Implement student-specific strategies: When a student engages in behaviors that result in three (3) restraints within a nine (9) week period, an IEP team or Student Study Team (SST) meeting is convened to problem solve student-specific strategies to address the behaviors that have warranted the use of restraint procedures. The IEP/SST team reviews the student's Individual Education Plan (IEP) to determine if additional services are needed or changes to current services are warranted. The IEP team, in collaboration with the district's behavior curriculum support team (BCST), reviews the student's functional behavior assessment (FBA) to determine whether an update to the FBA is needed. The IEP team, in collaboration with the district's behavior curriculum support team, also review the student's behavior intervention plan (BIP) to determine the effectiveness of the behavior intervention plan and whether any changes to the techniques or strategies contained within the behavior intervention plan are warranted. Should the student have identified health-related concerns, the IEP team will include the school-board nurse to discuss health issues that may contribute to the behaviors resulting in the use of restraint procedures. The school nurse collaborates with the team and parents to address any health related concerns. 3. Implement professional development: The district provides ongoing professional development, technical assistance, training, and consultation to teachers and staff members, including administrators, on positive behavior supports, functional behavior assessments, behavior intervention plans, principles of behavior, and meaningful restraint reduction strategies.

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

1. The district has a Behavior Curriculum Support Team (BCST) that is comprised of 2 school psychologists, 5 board certified behavior analysts, 1 board certified assistant behavior analyst, 2 registered behavior technicians, 2 behavior technicians, and 5 teachers on assignment. The mission of the Behavior Curriculum Support Team is to provide the training, coaching, and resources to schools to assist school staff in implementing practices with fidelity to support student's achievement and behavior. 2. The BCST provides training and technical assistance to school staff on positive behavior supports, functional behavior assessments, behavior intervention plans, and principles of behavior. ESE Teachers and staff members receive training in effective crisis management in addition to proactive and preventative behavior management intervention. 3. Teachers of students with Autism Spectrum Disorder and Emotional or Behavioral Disability receive training Professional Crisis Management with an emphasis on preventative and de-escalation strategies. 4. Individualized training is provided to those teachers involved in supporting students with heightened risk for behavioral crisis. 5. Additional training is provided to school staff in collaboration with the district's MTSS and PBS projects. 6. In collaboration with teacher and school staff, the BCST conducts functional behavior assessments and develops behavior intervention plans to address maladaptive behaviors to prevent the use of physical restraint.

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

**Does the district prohibit the use of seclusion?**

- Yes
- No

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

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

Seminole County Public Schools will reduce the number of incidents of seclusion from 143 (18-19) to 128 (10% reduction) by May 2021. SCPS reviewed the data for the 18-19 and 19-20 school years and determined utilizing the 18-19 data accounted for student attendance for the entire year and the 19-20 data did not account for student nonattendance during COVID-19 school closure (March 23-May27, 2020).

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
- a. Additional training in positive behavioral support and crisis management
  - b. Parental involvement
  - c. Data review
  - d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
  - e. Additional student evaluations
  - f. Debriefing with staff
  - g. Use of schoolwide positive behavior support
  - h. Changes to the school environment

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

99

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

2018-19: 143 incidents 2019-20: 50 incidents

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

There was a 65.1% decrease in seclusions from 18-19 to 19-20 school years

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

After reviewing the data for the 18-19 school year, the district saw a decrease in seclusion for the 19-20 school year due to comprehensive strategies that have been implemented at our center schools. (ie increase in mental health services.) Also, school closure due to COVID-19 from March 23- May 27, 2020 contributed to the decrease in seclusion incidents.

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

No, SCPS did not meet the goal for rate of reduction of incidents of seclusion for the 2018-2019 school year. From the 17-18 to the 18-19 school years, the percentage of seclusion increase was. 30.8%. The goal for the 18-19 school year was 10% reduction in the rate of seclusion.

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

The number of students secluded 15 or more times in SCPS was one for the 2019-2020 school year and two for the 2018-2019 school year. SCPS uses a comprehensive support model to support the social emotional and behavioral needs of students in a therapeutic environment.

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

**Who coordinates the inspection conducted by the Fire Marshal?**

The Seminole County Public Schools' Facilities Department coordinates with the Seminole County Fire Marshal for inspections.

**How is the safety of the seclusion rooms monitored?**

All seclusion rooms are required to meet DOE specifications. Appropriate lighting must be maintained. Release devices must be maintained manually by staff at all times when seclusion room is being utilized. Seclusion rooms are checked daily by school based staff. All seclusion incidents are reported immediately and a physical inspection of seclusion room is conducted following every seclusion incident.

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

The Fire Marshall provides copy of inspection report to the District and to the school.

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

If a seclusion room is identified in violation by the Fire Marshall the room is immediately closed for use. The District maintenance department responds when any violations are noted by the Fire Marshall by implementing the specific corrective action for the violation. The seclusion room is re-inspected prior to being released for use by the school.

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

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

There are a total of 2 seclusion rooms in Seminole County Public Schools.

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

There are two schools in Seminole County Public Schools that operate seclusion rooms: Endeavor School and Hopper Center. Endeavor School and Hopper Center are center schools for students who require comprehensive services for emotional/behavioral disabilities. There are no other seclusion rooms located anywhere else within Seminole County Public Schools.

**When are the seclusion rooms used?**

Seclusion rooms are used as a crisis intervention strategy when students exhibit behaviors that demonstrate an immediate risk of severe physical injury or death to the student or others such as continuous aggression, continuous high-magnitude disruption, and/or continuous self-injurious behaviors.

**How are the seclusion rooms used?**

Prior to being placed in the secured seclusion room, the student's shoes, belt and jewelry are removed and pockets emptied. The door to the seclusion room is kept closed until the student demonstrates calm behavior. Staff members continuously monitor and supervise students while in the seclusion room. Staff members minimize verbal interactions as much as possible. Staff members only enter the seclusion room when the student is an immediate danger to himself or others. As soon as a student demonstrates calm/quiet behavior for five minutes, the student is removed from the seclusion room.

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

Primary Exceptionality: ASD 81.1% EBD 16.1% IND 0.7% OHI 2.1% Race: White 56.6% Black 12.6% Two or More 30.8% Ethnicity: Hispanic 53.1% Non Hispanic 46.9%

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

Each month, the Student Support Services (SSS) department administrative team reviews all incidents of seclusion at the district, school, classroom and student level. Based on this review, the administrative team conducts a structured problem solving process to identify the root-cause of incidents of seclusion. Upon identification of the root cause, the administrative team develops an action plan for the district, school, classroom, or student and allocates the resources needed to implement the action plan.



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

SCPS utilized a combination of data from the 18-19 and 19-20 school year to determine the measurable annual goal for the reduction of seclusion. Due to COVID-19 school closure, a full school year of student attendance data was unable to be collected for the 19-20 school year. SCPS observed a decrease in the overall number of seclusion incidents from the 17-18 to 18-19 and 18-19 to 19-20 school years; therefore, it was determined that an overall goal of a 10% reduction would be meaningful and attainable for the 2020-21 school year.

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

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

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

1. Implement district-wide strategies: Through the Student Support Services department's commitment to a monthly review of all seclusion incidents, the administrative team conducts a structured problem-solving process to determine the root cause of incidents of seclusion, particularly with students who have a high level of seclusion. Based on that review and determination of root cause, the administrative team, in collaboration with school-based administrators, then allocates resources and develops an action plan to achieve a meaningful reduction in seclusion. 2. Implement student-specific strategies: When a student engages in behaviors that result in three (3) seclusions within a nine (9) week period, an IEP team or Student Study Team (SST) meeting is convened to problem-solve student-specific strategies to address the behaviors that have warranted the use of seclusion procedures. The IEP/SST team reviews the student's Individual Education Plan (IEP) to determine if additional services are needed or changes to current services are warranted. The IEP team, in collaboration with the district's behavior curriculum support team (BCST), reviews the student's functional behavior assessment (FBA) to determine whether an update to the FBA is needed. The IEP team, in collaboration with the district's behavior curriculum support team, also reviews the student's behavior intervention plan (BIP) to determine the effectiveness of the behavior intervention plan and whether any changes to the techniques or strategies contained within the behavior intervention plan are warranted. Should the student have identified health-related concerns, the IEP team will include the school-board nurse to discuss health issues that may contribute to the behaviors resulting in the use of restraint procedures. The school nurse collaborates with the team and parents to address any health related concerns. 3. Implement professional development: The district provides ongoing professional development, technical assistance, training, and consultation to teachers and staff members, including administrators, on positive behavior supports, functional behavior assessments, behavior intervention plans, principles of behavior, and meaningful seclusion reduction strategies.

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

1. The district has a Behavior Curriculum Support Team (BCST) that is comprised of 2 school psychologists, 5 board certified behavior analysts, 1, board certified assistant behavior analyst, 2 registered behavior technicians, 3 behavior technicians, and 5 teachers on assignments. The mission of the Behavior Curriculum Support Team is to provide the training, coaching, and resources to schools to assist school staff in implementing practices with fidelity to support student's achievement and behavior. 2. The BCST provides training and technical assistance to school staff on positive behavior supports, functional behavior assessments, behavior intervention plans, and principles of behavior. ESE Teachers and staff members receive training in effective crisis management in addition to proactive and preventative behavior management intervention. 3. Teachers of students with Autism Spectrum Disorder and Emotional or Behavioral Disability receive training in Professional Crisis Management with an emphasis on preventative and de-escalation strategies. 4. Individualized training is provided to those teachers involved in supporting students with heightened risk for behavioral crisis. 5. Additional training is provided to school staff in collaboration with the district's MTSS and PBS projects. 6. In collaboration with teacher and school staff, the BCST conducts functional behavior assessments and develops behavior intervention plans to address maladaptive behaviors to prevent the use of secured 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 300.646

Chapters 468, 486, 490 and 491, F.S.

Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572,

1006.03, 1011.62, 1012.32 and 1012.321, F.S.

Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

### Full Educational Opportunity Goal (FEOG)

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

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

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

### Ages of Students Served

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

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

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

- Yes
- No

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

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

- Yes
- No

## Section B.2: Parental Input and Meetings

### Parental Input and Meetings

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

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

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

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

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

### Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
  - a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
  - b. Speech-language pathologists licensed under s. 468.1185.
  - c. Occupational therapists licensed under part III of chapter 468.
  - d. Physical therapists licensed under chapter 486.
  - e. Psychologists licensed under chapter 490.
  - f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or

plans.

3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
  - a. The student's public instructional personnel and principal consent to the time and place.
  - b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

## Written Agreements

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

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

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

- Yes  
 No

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

| A school located in Orange County at a private preschool provides services to students who are Deaf/Hard of Hearing.

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

- Yes  
 No

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

| N/A

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

Yes

No

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

N/A

## Section B.4: Department of Juvenile Justice Facilities

### Department of Juvenile Justice Facilities

#### Statutory and Regulatory Citations

Sections 1002.42, 1003.01, 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.

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

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

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

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

Seminole County Public Schools serves students with disabilities in the district's county jail. The District's county jail receives support from the Exceptional Student Education teacher and support staff in the Jail through a continuum of service delivery models based on each student's unique needs. In addition, for students receiving services such as Speech, Language, OT or PT, these services are also provided at the county jail.

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

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

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is

not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.

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

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

## **Contractual Arrangements with Private Schools**

### **Statutory and Regulatory Citations**

Section 1003.52, F.S.

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

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
  - a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
  - b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
  - c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
  - d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

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

### **District Responsibilities**

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

state in which the nonpublic school or community facility is located.

- b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
- c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.
- d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.
- e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.
- f. Has written procedures for admission, dismissal, and separation of students, if appropriate.
- g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.
- h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.
- i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).
- j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

## **Contents of Contract**

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:
  - a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.
  - b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.
  - c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.
  - d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.
  - e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.
  - f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.



- g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.
- h. Identification of financial responsibility.
- i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.
- j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.
- k. Provision for terminating the contract.
- l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

### **Additional District Responsibilities**

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

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

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

### **Florida Educational Finance Program (FEFP) Funds**

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

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.

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

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

**Notes:**

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

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

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

Yes

No

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

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

The legal department along with the Executive Director of Student Support Services reviews the school facility, budget, and confirms this with the board. Prior to the contract being completed, the Executive Director of Student Support Services communicates with neighboring school districts in regards to the criteria before a contract is signed.

**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.**

Seminole County Public Schools will require documentation of the qualifications of personnel in nonpublic schools or facilities to determine if the required qualifications are met. The appropriate out of field notification letter will be submitted to the board and personnel notification will be delivered at the same time as the districts' notifications are sent out.

## **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.**

Seminole County Public Schools maintains all records to include the IEP. The zone school not only maintains the records but also is responsible for writing the IEP or IFSP and ensuring a meeting is held at the zone school with the nonpublic school or facility participating and sharing data and information in regards to student progress. The Student Support Services Administrators periodically visit the nonpublic school or facility to ensure that the services on the IEP are implemented. The zone school will send a copy of the IEP or IFSP of a student who is in a residential placement by the school district to the Department of Education, Bureau of Exceptional Education and Student Services within 10 days of the completion of an IEP or IFSP.

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

### **Limited English Proficiency (LEP) Students**

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

## **Section B.7: Child Find**

### **Child Find**

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

## **Section B.8: Confidentiality of Student Records**

### **Confidentiality of Student Records**

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

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

- A response from the district for reasonable explanation and interpretation of the records
  - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
  - Have a representative of the parent inspect and review the records
- b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
- c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
- 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 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 district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.

## 2. Amendment of student records

- a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
- b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
- c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
- d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
- e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.
- f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

## 3. Consent

- a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.
- b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

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

#### 4. Safeguards

- a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.
- b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.
- c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.
- d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

#### 5. Destruction of information

- a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.
- b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### 6. Annual written notice to parents

- a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:
  - The right to review and inspect the student's education records, including the procedures to exercise this right
  - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
  - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
  - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA
- b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

#### 7. Free Appropriate Public Education (FAPE)

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

## 8. Transition from Part C to Part B

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

## 9. Funding formula

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

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

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

### Coordinated Early Intervening Services (CEIS)

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

CEIS may be used for:

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

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

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

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

### National Instructional Materials Access Center (NIMAC)

#### Statutory and Regulatory Citations

34 CFR §300.172

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

## Section C.1: Exceptional Student Education Procedural Safeguards

### Statutory and Regulatory Citations

34 CFR §§300.500–300.536

Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.

Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

### Procedural Safeguards

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

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

#### 1. Procedural safeguards for students with disabilities

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

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

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

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

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

**2. Procedural safeguards for exceptional students who are gifted**

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

- o Upon initial referral for evaluation
- o Upon refusal of a parent's request to conduct an initial evaluation
- o Upon notification of each educational plan meeting
- o Upon receipt of a request for a due process hearing by either the school district or the parent

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

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

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

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



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

### **Statutory and Regulatory Citations**

34 CFR §§300.9, 300.300 and 300.503

Section 1003.4282, F.S.

### **Procedures**

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

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

### **Requirements or Options No Longer Applicable**

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

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

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

### Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320

Chapter 744, F.S.

Section 393.12, F.S.

Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A-6.0361, and 6A-6.03311, F.A.C.

### Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
  - a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
  - b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
  - c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

## Section D: Surrogate Parents

### Statutory and Regulatory Citations

34 CFR §300.519

Sections 39.0016 and 1002.22, F.S.

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

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### Definition

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

## Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
  - a. Must be at least 18 years old.
  - b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
  - c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
    - This prohibition includes group home staff and *therapeutic* foster parents.
    - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
    - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
  - d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
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.
    - The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
    - The court must accept a surrogate parent duly appointed by a district school superintendent.
  - 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.
  - If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
  - At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.
- h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:
  - The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
  - The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
  - The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
  - The appointed surrogate no longer wishes to represent the child or is unable to represent the child
  - The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
  - The child moves to a geographic location that is not reasonably accessible to the appointed surrogate
- 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
  - c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child
4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.
  5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
  6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
  7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.

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

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

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

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

The need for a surrogate parent shall be determined on an individual basis. It is the joint responsibility of the staffing resource 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 staffing resource specialist and 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. Once the district has exhausted all efforts to determine the whereabouts of a parent or guardian, a surrogate parent may be appointed. The staffing resource specialist should determine that the assigned surrogate parent has no interest which conflicts with the interest of the child. 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.**

Seminole County Public School's (SCPS) recruits surrogate parents once a year. The school district recruits from the school volunteers at the school sites, community involvement, and any interested community volunteers. A person with interest in becoming a surrogate parent completes an application and returns it to the school district. The application includes a place to list references. SCPS checks to ensure that the applicant meets the minimum qualifications. SCPS contacts the references as part of the process to confirm the applicant's commitment to becoming a surrogate parent. SCPS also completes a background check on the applicant. Applicants who have been selected are put into a pool of surrogate parents. They receive a letter of eligibility from the SCPS superintendent. Eligible surrogates attend surrogate parent training. The training is offered once a year and the training is approximately 90 minutes. The training goes into detail regarding the definition, duties and services for students with disabilities. The training also includes their rights as a surrogate parent. The training is led by the district compliance specialist. Superintendent's Surrogate Parent Appointment letter is the form letter for the Superintendent to sign appointing a surrogate parent. This form does not identify the student to whom the person will serve as surrogate, but rather acknowledges the eligibility to be appointed.

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

### **Statutory and Regulatory Citations**

34 CFR §§99.31 and 300.323

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

## Procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 5. Parental consent

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

#### 6. Transmittal of records

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

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

### Statutory and Regulatory Citations

34 CFR §300.154

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

### Procedures

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

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
  - a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
  - b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA— the district may pay the cost that the parent otherwise would be required to pay.
  - c. May not use a student's benefits under a public insurance program if that use would (any of the following):
    - Decrease available lifetime coverage or any other insured benefit.
    - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
    - Increase premiums or lead to the discontinuation of benefits or insurance.

- Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
- 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:
- The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
  - The purpose of the disclosure, such as the purpose of billing for services
  - The agency to which the disclosure may be made
  - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- 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:
- A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
  - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
  - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.
  - 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. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
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 CFR §§300.302, 300.306, and 300.308–300.310

Sections 1008.25 and 381.0056, F.S.

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

### **Definition**



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

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

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

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

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

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

### 3. Review of data

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

### 4. Sensory screenings and diagnostic assessments

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

### 5. Implementation of evidence-based interventions

- o The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
- o The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
- o 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.
- o The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas

of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.

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

- o Children younger than kindergarten-entry age who are not enrolled in kindergarten
- o Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
- o 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.
- o Students who are not enrolled in a public school.

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

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

- Yes
- No

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

The Multi-Tiered System of Support (MTSS) Guiding Tools for Instructional Problem Solving resource is available for staff and parents through the links provided below. Additionally, SCPS personnel may access MTSS District Resources via the eCampus course page "MTSS: Supports for Future Ready Graduates" Multi-Tiered System of Support (MTSS) Guiding Tools and Resources for the Problem Solving Process: School Based: - School personnel can access all resources on the eCampus page: <https://scps.instructure.com/enroll/3WXHJN> Public: - MTSS homepage and overview: <https://www.scps.k12.fl.us/district/departments/student-support-services/student-services/mtss/> o Parent Guide: <http://www.fldoe.org/core/fileparse.php/7690/urlt/Parent-Guide-MTSS.PDF> o Parent Resources: <http://www.florida-rti.org/parentResources/floridaTools.htm> o Florida's Parent Brochure: [http://www.florida-rti.org/\\_docs/MTSS%20Family%20Brochure.pdf](http://www.florida-rti.org/_docs/MTSS%20Family%20Brochure.pdf)

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

N/A

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

Universal screening measures and progress monitoring tools drive student identification for academic interventions. School problem solving teams analyze school-wide data and assessments to evaluate the effectiveness of core instruction. They analyze suspension and office discipline referral rates to identify behavioral needs within the school to implement systematic, proactive, and positive behavioral supports for all students. Collaborating with parents, teachers, and other educational stakeholders, the Core MTSS Problem Solving Team conducts root cause analysis based upon attendance, discipline, assessment data, the use of an early warning risk score, and other curriculum-based measurements to identify students needing targeted and/or intensive interventions for academics and/or behavioral needs. Teams use specific skill deficits to make instructional intervention and assessment decisions at the tier 2 and tier 3 levels. At the time the intervention plan is written, the team determines which researched-based curriculum/materials that teachers/interventionists will use to provide effective interventions. They also select the assessment methods needed to track and determine the student's response to intervention. Student progress is tracked and monitored through the school district's student data performance management system, EdInsight, so that stakeholders may determine a student's response to intervention with fidelity. The student's performance, compared with the grade level expectation, and the class or intervention group average, is tracked. The team reviews student data at the agreed upon anticipated review date to determine the student's response to intervention. Teachers/Interventionists of students with Tier 3 interventions will collect data on the student's response to intervention at least weekly. The MTSS team which includes the parent/legal guardian reviews the data every two to six weeks. Documentation of periodic meetings with parents/legal guardian is maintained in EdInsight. The information to be discussed includes data used to identify the problem, data to measure the student's response to interventions, potential adjustments to the interventions, and anticipated future action to address the student's learning and/or behavioral areas of concern. To determine if a student may be a student with a disability, problem solving teams may consider, but are not limited to, the following factors: 1. a review of data indicates that the student is not making adequate progress when given effective core instruction and intensive, evidence-based interventions. The decision criteria concerning intensity - Is the student's current level of performance significantly discrepant from expectations (e.g. 2+ years below grade level) and peer performance (e.g. <10th percentile). Decision criteria concerning severity - Is the student response to intervention poor (or questionable) when intense, evidence-based interventions are implemented with integrity? 2. a review of data demonstrates that the interventions are effective, but they require a level of intensity/resources to sustain growth that are beyond what is generally accessible with general education resources. Decision criteria - Does the rate of improvement decrease to "poor" or "questionable" when supports are faded? Does maintaining growth require that the intensive level of support be implemented over a long period of time (e.g., >1 year)? Is the level of support necessary to sustain growth typically provided in special education? If the problem solving teams answer "yes" to the questions in numbers 1 and 2, then the teams should consider initiating a request for an evaluation. Parent/legal guardians may request an evaluation for special education at any time. Data reviews may include, if applicable, the student's social, psychological, medical, anecdotal records, and achievement data. The data review will verify the student received appropriate universal instruction in the regular education setting in addition to supplemental and intensified instruction as needed and delivered by qualified personnel. Attendance records must also be reviewed to indicate a student's access to instruction. Hearing and vision screenings must be completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. For students who are English Language Learners (ELL), problem solving teams may request a comparative language screening to assist in determining a student's language dominance.

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

The district monitors implementation and fidelity of the four step problem-solving process by analyzing data on a quarterly basis of each school's MTSS data. This includes analyzing the frequency count of students with tiered interventions in each area of need, the number of students who have an intervention plan, and the number of students who have an intervention plan that has exceeded the anticipated review date (as determined appropriate by the MTSS problem solving team). In addition, the MTSS District Support team delivers a required professional development to each school at the beginning of each school year to review and deepen the school's implementation of the four step problem-solving process. The MTSS District Support Team provides ongoing support and professional development to teachers, administrators, and MTSS problem solving teams throughout the year through on-site visits, open labs, webinars, and new MTSS team member professional development. The Multi-Tiered Systems of Support (MTSS) problem solving team is comprised of parents/legal guardians, students (when age-appropriate), and educational stakeholders who are trained to examine the multi-faceted needs of students (e.g., teachers, certified school counselors, instructional coaches, behavior interventionists, administrators, and/or other instructional personnel having knowledge of the student's needs). Additional members may become involved to inform root cause analysis (i.e. school psychologist, speech and language specialist, social worker). After conducting a root cause analysis and defining the problem for the student for a student (Step 1-Define the Problem and Step 2- Problem Analysis), an intervention plan is developed that includes interventions at an intensity appropriate to the student's tier. The intervention plan is developed based upon teacher input, formative and summative assessments, attendance, misconduct, grades, and other information related to the student's performance (Step 3-Implement Plan). Intervention plans are documented in a digitized student performance data management system, EdInsight, and are visible to the Core MTSS Team and the teachers working with the student. After an agreed upon duration of time (in no case greater than 12 weeks and more frequently for students in tier 3 than in tier 2) where interventions have been implemented, the team meets again to review data from assessments (Step 4-Evaluate). Based upon the student's response to the intervention(s), the team will determine if the interventions need to be intensified or decreased, with the goal of each student being successful with the universal instruction. The tier II and tier III intervention plan should include specified data related to the intervention skill deficit that demonstrates that the student was provided appropriately intensive instruction in the general education setting. Ongoing progress monitoring and assessment data should be tracked in comparison to the class average or intervention group average to determine the student's response to intervention. Assessment data and tracking mechanisms are available in the student performance data management system, EdInsight. Documentation of parent involvement in Tier III interventions during this process are required. Documentation of meetings are also housed in EdInsight. Suspension from school, retention, or other punitive interventions (such as office referrals) are not considered appropriate interventions.

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

Schools will provide global awareness of the MTSS process in their beginning of the year school newsletter, advising parents/legal guardians to review links on the district's website for information about MTSS. Information about MTSS is available on the Seminole County Public School (SCPS) website for all stakeholders to view. Parents are engaged in the problem-solving process as soon as the student is identified as having an academic and/or behavior area of concern. They are invited to participate in problem-solving conferences to determine if interventions are needed at the tier 2 and/or tier 3 levels (as noted in EdInsight for MTSS). Parents receive documentation of baseline data and ongoing progress monitoring measures (academic and/or behavioral areas of concern) on a systematic basis in accordance with a timeline appropriate to the intervention. The data is communicated to parents in an understandable format. Graphical representation of the data is best practice. The development of the intervention plan reflects the frequency and format for which student response to intervention data will be shared with parents. The intervention plan requires MTSS problem solving teams to note the specific duration of an intervention. This duration auto populates an agreed upon anticipated review date. The interventions will be monitored for effectiveness and implemented as designed for a reasonable period of time and with a level of intensity that matches the student's needs. The anticipated review date reflects the mutually agreed upon time in which the parents/legal guardians will be engaged in the student's response to intervention review. This includes sharing ongoing progress monitoring assessments with the parents/legal guardians. Documentation of periodic meetings held with parents/legal guardians regarding the student's responses to interventions, supporting data, potential adjustment to the interventions, and anticipated future action to address the student's learning and/or behavioral areas of concern must be maintained. Documentation of meetings is held in EdInsight. When reviewing initial evaluations or reevaluations, the SCPS form 708(wb) will be used during student study team meetings to summarize the interventions and the parent involvement. It is important to note that if parents/legal guardians request an evaluation or suspects a disability, interventions must occur concurrently with the evaluation. The SCPS Form #510b (Parent Permission for Assessment) must be signed within 30 calendar days of parent request and the school has 60 calendar days to complete the evaluation. In collaboration with the parent, MTSS Core team should determine what interventions are appropriate while evaluating the student concurrently. The invitation generated in EdInsight to invite parents/legal guardians to engage in problem solving meetings for their student includes a link to an SCPS page that provides an explanation of multi-tiered system of supports (MTSS) and links to Florida's MTSS website for more information. The links include resources that inform parents/legal guardians of their right to request an evaluation if they think that their student is a student with a disability.

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

### **Definition**

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

## **Procedures for Initiating an Evaluation**

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

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

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school- district operated preschool program may be a student with a disability and needs special education and related services.

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

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

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

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

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures

inappropriate in addressing the immediate needs of the student.

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

The School District has 30 calendar days to hold a Student Study Team (SST) Meeting, including the parent/guardian, to obtain written consent for an evaluation and determine if the student is in need of special education and related services. The school will contact the parent/guardian to set up a meeting at a mutually agreeable date and time within the 30 days. The parent/guardian will be sent a parent participation form inviting them to a meeting to obtain informed consent prior to conducting the evaluation. **If the team is not in agreement with the parent request for an evaluation a Prior Written Notice (PWN) will be provided stating the reasons for the denial.**

**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.**

The School District has 30 calendar days to hold a Student Study Team (SST) Meeting when a parent requests that an evaluation be conducted. The school will contact the parent/guardian to set up a meeting at a mutually agreeable date and time within the 30 days. The parent/guardian will be sent a parent participation form inviting them to a SST meeting. The SST will either (a) obtain informed consent from the parent/guardian to conduct the requested and agreed upon evaluations or (b) the Local Education Agency (LEA) representative will provide a Prior Written Notice to the parent/guardian.

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

Once the Documentation of Records Review, SCPS Form 512(e), and General Education Intervention Procedures SCPS Form 708(e), have been completed the SST will review all student data, including parent input, and make a determination of need for a comprehensive evaluation. If testing is deemed necessary by the SST, PEER form Notice and Consent for Initial Evaluation must be filled out and signed by the parent/guardian and procedural safeguards provided. The consent must document the action proposed, the reason why the district is proposing evaluation, a description of each evaluation procedure, assessment, record, or report reviewed and used as a basis for the proposed action, any relevant factors, a description of the evaluation procedures the district is proposing to conduct, and a description of any other options that were considered and the reasons why those options were rejected. The SST comprising of the parent/guardian, certified school counselor, regular education teacher, student staffing resource specialist and other staff who can speak to the student's progress will determine which evaluations are appropriate. Once the parent provides written informed consent, the completed referral packet should be immediately processed by the student staffing resource specialist. If the SST determines the need for other assessments, personnel involved may include the school board nurse, school social worker, speech/language pathologist, then Referral Form, SCPS Form 158(e), should be completed on the date that parent provides written consent. If the school has suspicion a child may have a disability, and after reasonable attempts the parent cannot be reached, the school social worker may be requested to assist in order to explain the proposed screening or assessment, explain procedural safeguards, and obtain the parent's consent for screening or assessment. For students referred for a Gifted evaluation, the Student Study Team should review existing progress monitoring and standardized assessment data. Any individual screening of a student which singles the student out from the rest of a class with intention of using the data for a referral, requires prior parental informed notice/consent (including Gifted Procedures Safeguards), Parent Permission for Screening, SCPS Form 510a(e) must be used. The LEA is required to fully inform the parent that a screening is not a full evaluation and scores do not meet requirements of Florida eligibility for Gifted. A screening may be followed by a formal assessment and ensure that the parent understands the difference. After completion of the screening, parents must be notified of the results. If based on the review of all data, the decision is to conduct formal assessment then the parent must sign consent. Documentation of a Records Review, SCPS Form 512(e) will be completed by the Student Study Team comprised of the certified school counselor, regular education teacher, and any other support personnel, such as the Teacher on Assignment for Gifted. The Gifted Program Checklist of Traits, completed by the student's teacher, will assist the Student Study Team to determine the need for a referral for a formal assessment.

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

For students who may have a disability: The certified school counselor from the zone school that the student would attend if attending a public school is contacted. He/she provides the screening process information necessary to rule out sensory deficits that may interfere with the student's academic and behavioral progress. If the non-public school or agency does not have sensory screening information, the zone school will be responsible for obtaining consent and completing the screening. The certified school counselor will also provide to the non-public school or agency, the necessary forms to document the concerns and any general education interventions the student has received - if any (not a requirement), intervention conferences involving the parent and any behavioral observations by the classroom teacher or school staff. Any grade level screening, periodic regular education diagnostic testing, and/or any progress monitoring conducted should be reviewed to determine the student's progress and area(s) of concern. The zone school certified school counselor, or other designee, will maintain a log of outstanding referrals from non-public schools or agencies in order to track and record that documentation has been received and to ascertain an anticipated date for review of all documentation. The zone school will schedule a student study team meeting with the parent/guardian. It is the parent's or guardian's responsibility to invite a representative from the non-public school or agency. If after a review of parent/guardian concerns/input the team determines a need for a comprehensive evaluation, the LEA representative will ask the parent to provide written consent. When the evaluation(s) are complete the parent/guardian will be invited in to attend a meeting to review the results of the assessments and to determine the appropriate educational plan for the student. It is the responsibility of the parent to invite the non-public or agency to the meeting. For students who may be gifted: The certified school counselor from the zone school that the student would attend if attending a public school is contacted. A student study team meeting is scheduled. The student study team will review the student's strengths based on teacher data, parent input and any other information including but not limited to class performance, standardized test performance, screening instruments, as appropriate, extra-curricular interests, etc.. It is the parent's responsibility to invite their chosen representative from the non-public or agency program. The zone school guidance counselor or designee will maintain a log of outstanding referrals for Gifted from non-public schools or agencies in order to track and record receipt of all pertinent information in a timely manner. Once the information is gathered and determined appropriate for further assessment, the LEA will have the parent sign a "Parent Permission for Assessment." A referral packet will be submitted. Assessments will be completed within ninety days from the date of the parent's written consent. Once the assessment is completed, the school will send the parent a "Parent Participation Form" inviting the parent to a meeting to review the results of the assessment. It is the parent/guardian's responsibility to invite a representative from the non-public school or agency.



## **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.**

For students who may have a disability: The certified school counselor from the zone school that the student would attend if attending a public school is contacted. He/she informs the parent/guardian of the screening process necessary to rule out sensory deficits that may interfere with the student's academic and behavioral progress. This will include the permission for screening form to be signed by the parent/guardian. The zone school will be responsible for sensory screenings and obtaining any relevant information from the parent as the areas of concern, general education interventions that were attempted if the child was ever enrolled in a school, and response to those interventions. The certified school counselor will complete the necessary forms to document the reported interventions and document the sensory deficits that may interfere with the student's academic and behavioral progress have been corrected or ruled out. If attendance had been a previous concern when the child was in attendance at a school, reasons for excessive absenteeism will be discussed and documented. When documentation has been completed, the certified school counselor or designee at the zone school will schedule a student study team meeting with the parent/guardian to review all documentation. If the team determines that the student requires a formal individual evaluation to determine a student's eligibility for specially designed instruction and related services, the LEA will ask the parent to provide informed consent and provide a copy of procedural safeguards. For purposes of the sixty day rule, the date of referral is the date that the parent has provided written and informed consent. The entire packet including all the information from any interventions reported by the parent and results of screenings are sent to the appropriate Student Support Services department personnel. Results of all assessments are distributed upon completion of all reports and assessments. The guidance department or designee at the school sends the parent/guardian a meeting notice in writing, to attend a meeting to review the results of the assessments and to determine the appropriate educational plan for the student. For students who may be gifted: The certified school counselor from the zone school that the student would attend if attending a public school is contacted. A student study team meeting which includes the parent/guardian is scheduled. The student study team will review the student's strengths based on any previous teacher data, parent input and any other information including but not limited to previous class performance, standardized test performance, screening instruments, as appropriate, ex-curricular interests, etc.. Once the information is gathered and determined appropriate for further assessment, the LEA will have the parent/guardian provide written and informed consent for evaluation. A referral packet will be submitted. Assessments will be completed within ninety days from the date of the parent/guardian's written and informed consent. Once the assessment is completed, the school will send the parent/guardian a meeting notice inviting the parent/guardian to attend a meeting to review the results of the assessments and to determine the appropriate educational plan for the student.

## **Section H.2: Conducting Student Evaluations and Reevaluations**

### **Statutory and Regulatory Citations**

34 CFR §§300.131 and 300.300–300.305

Chapter 490, F.S.

Sections 1003.57 and 1003.575, F.S.

Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

### **Definitions**

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

### **Procedures for Evaluation**

## 1. Responsibility for evaluation

- a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
- b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
- c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
- d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
  - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
  - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
  - User qualifications recommended by the publisher in the test manual
  - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument

## 2. Evaluation timelines

- a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:
  - i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;
  - ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and
  - iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.
- b. The 60-day timeline for evaluation does not apply if:
  - The parent repeatedly fails or refuses to produce the student for the evaluation
  - A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

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

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

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

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

The School district has 90 school days in which student is in attendance from the date the parent signs the PEER Notice and Consent for Initial Evaluation to the date the Student Study team, including the parent/guardian, meets to determine eligibility, to complete the evaluation process. The 90-day count begins the day that the parent provides written and informed consent.

**3. Parent consent**

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

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

- b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.
- c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:
  - The school district cannot discover the whereabouts of the parent,
  - The rights of the parent have been terminated, or
  - The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

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

- i. A biological or adoptive parent of a student
  - ii. A foster parent
  - iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)
  - iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare
  - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures. A district is not

required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

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

#### 4. Evaluation procedures

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

- b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:
- Are selected and administered so as not to discriminate on a racial or cultural basis
  - Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
  - Are used for purposes for which the measures are reliable and valid
  - Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments
- 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 or not commonly linked to the suspected disability.

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

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

Following completion of the student's evaluation, the Student Study Team sets a target date to have all evaluations and reports completed. A meeting is scheduled to review the results with the parent/guardian to ensure that the eligibility for specially designed instruction and related services is determined within 60 calendar days of the parent providing written and informed consent.

**Procedures for Reevaluation**

1. Reevaluation is required in the following circumstances.
- a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
  - b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.

- c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
- d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
- e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
- f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
  - Nonprofit private schools located within the district
  - For-profit private schools and are residents in the district
  - Home education

## 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:
  - Whether the student continues to have a disability;
  - The educational needs of the student;
  - The present levels of academic achievement and related developmental needs of the student;
  - Whether the student continues to need special education and related services; and
  - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
- 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 complete and the school district shall notify the student's parent(s) of the following:
  - The determination and the reasons for that determination and
  - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

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

- 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:

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

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

3. Parental consent when additional data are needed

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

4. Reevaluation timelines

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

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

The student staffing resource specialist is responsible for monitoring the due dates for three year reevaluations and for informing the ESE teacher that a review is needed. The IEP or SST team will meet and review progress monitoring data to determine if additional evaluation data is warranted for the re-evaluation. The IEP or SST team comprising of the certified school counselor, regular education teacher, student staffing resource specialist, ESE teacher, parent/guardian and other support personnel who are servicing the student will then decide if further information is needed to help plan educationally for the student. A request for re-evaluation can be made at any time prior to the mandatory three year reevaluation but may not occur more than once a year, unless the parent/guardian and the school district agree otherwise. The reevaluation is due and must be completed by the three year reevaluation due date. If the three reevaluation will expire during the timeframe covered by the annual IEP that is to be written, the Parent Participation Form must indicate that a three year reevaluation will be discussed along with the annual development of the IEP or Services Plan.

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

Once the PEER Notice and Consent for Reevaluation is signed by the parent/guardian, the completed referral packet is immediately processed by the student staffing resource specialist. The student staffing resource specialist keeps a tracking log of each student that is in the re-evaluation process. The team sets a target date to have all evaluations completed and a meeting date to review the results with the parent/guardian to ensure this process is completed in a timely manner.

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

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

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

When a parent/guardian requests a reevaluation the school's IEP or SST team meets with the parent/guardian and discusses the request for the reevaluation. The team reviews existing progress monitoring data to include progress on goals and ongoing progress monitoring that occurs throughout the school year. The team, which includes the parent/guardian, determines if and what additional data may be needed. If the team determines additional data is needed then the team obtains parent/guardian written and informed consent for the reevaluation. If the team reviews the existing data and determines that it is sufficient then the student staffing resource specialist will complete the PEER Prior Written Notice Form to indicate that the student has been reevaluated and will list the data used to make this determination. If after reasonable attempts to contact the parent/guardian have been unsuccessful, the school will attempt to request the school social worker to assist in obtaining consent for the reevaluation. If the school social worker is unable to make contact with the parent after two attempts, the school will send a PEER Prior Written Notice to the parent/guardian.

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

Upon the IEP team's recommendation for an assistive technology assessment, the Parent Permission for a re-evaluation for assistive technology is signed by the parent/guardian, the completed referral packet is immediately processed by the student staffing resource specialist at the school and is logged in his/her tracking referral form. The team sets a target date to have all evaluations completed and a meeting date to review the results with the parent/guardian to ensure that the evaluation is completed within 60 school days after the IEP Team makes the recommendation.

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

- A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
- 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.
- If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

**Section I: Independent Educational Evaluations**

**Statutory and Regulatory Citations**

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

**Definition**

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

**General**



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

If a parent/guardian requests an Independent Educational Evaluation (IEE) at public expense, the School District must, without unnecessary delay, either: · File a due process complaint to request a hearing to show that its evaluation is appropriate, valid, and comprehensive or · Ensure that an IEE is provided at public expense. If the District agrees to provide an IEE or opts to file for Due Process, the School District will provide information about where an Independent Educational Evaluation may be obtained. The district will provide a list of qualified assessors in the area to the parent/guardian.

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

If parent/guardian obtains an Independent Educational Evaluation (IEE) at private expense, the results of the evaluation will be considered by the District in decisions made with respect to the provision of a free appropriate public education (FAPE). If a parent presents an independent educational evaluation, the District will convene the Student Study Team (SST) to consider the information. Based upon the information provided, the IEP Team may accept the information in part or in full, reject the information in part or in full, or determine that additional evaluation data should be collected. If the IEP Team determines additional information is necessary, permission to evaluate or reevaluate will be requested by the parent/guardian. The results of the IEP team's consideration will be reflected on the PEER Prior Written Notice form as well as the summary notes.

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

## Section A: Instructional Program

### Statutory and Regulatory Citation

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

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

### Philosophy

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

### Curriculum

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

### Instructional Support

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

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

## **Statutory and Regulatory Citations**

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

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

## **Definition**

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

## **Eligibility Criteria**

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

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

## **Student Evaluation**

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

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

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

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.
2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, and 300.113

Sections 1003.01, 1003.55, and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

### **Student Reevaluation**

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

### **Qualified Evaluators**

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

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

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

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
  - a. Residual hearing
  - b. Speech reading
  - c. Manual communication systems
  - d. Speech
  - e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will

ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.

4. 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.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.8 and 303.21

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

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

### **Definitions**

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

## Eligibility Criteria

### 1. For a child three through five years of age

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

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

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

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

- a. The child is below the age of 36 months;
- b. There is documentation of **one** of the following:
  - i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or
  - ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or
  - iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.
- 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 section (2)(b) of this rule; 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 evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
  - a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.



- b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - o Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - o Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - o Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
  3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

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

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

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

1. For a child three through five years of age
  - a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
  - b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.
2. For a child birth through two years of age (below 36 months)
  - a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
  - b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

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

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

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

## Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324

Chapters 458 and 463, F.S.

Sections 1003.55, 1003.57, and 1003.575, F.S.

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

## Definition

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

## Eligibility Criteria

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

1. One or more of the following visual impairments:

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

and

2. One or more of the following hearing impairments:

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

and

3. The student demonstrates a need for special education.

## OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-

6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and

5. The student demonstrates a need for special education.

## **Student Evaluation**

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

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

## **Student Reevaluation**

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
  - a. A functional vision evaluation;
  - b. A functional hearing assessment;
  - c. An assessment of social development;
  - d. An evaluation of receptive and expressive communication by a speech and language pathologist;
  - e. A learning media assessment;
  - f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
  - g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

## **Qualified Evaluators**

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

The following are qualified evaluators for specialized evaluations:

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

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

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

responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.

8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.
10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §300.8

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

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

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

### **Eligibility Criteria**

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

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the

educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:

a. Internal factors characterized by:

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

b. External factors characterized by:

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

2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.
5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
  - a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
  - b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
  - c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

## Student Evaluation

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

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

3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§303.21 and 303.300

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

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Continued Eligibility**

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

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

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

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

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

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

### **Statutory and Regulatory Citations**



## Definitions

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

## Eligibility Criteria

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

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

## Student Evaluation

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

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

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

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

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

## **Instructional Services**

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

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

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

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

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

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

- Yes
- No
- N/A

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

N/A

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §300.8

Chapter 490, F.S.

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

student functioning and documents the student's functional skills outside of the school environment.

5. The student demonstrates a need for special education.

## **Student Evaluation**

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
  - a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
  - b. A standardized assessment of adaptive behavior to include parental or guardian input.
  - c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
  - d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
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 intellectual disabilities.**

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

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

### **Statutory and Regulatory Citations**

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

### **Definition**

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

### **Eligibility Criteria**

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

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

### **Student Evaluation**

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

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

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

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

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

## Statutory and Regulatory Citations

34 CFR §300.8

Chapters 458 and 459, F.S.

Sections 1003.01 and 1003.57, F.S.

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

## Definition

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

## Eligibility Criteria

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

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

## Student Evaluation

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

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

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

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

### Statutory and Regulatory Citations

34 CFR §300.8

Section 1003.57, F.S.

Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

### Definition

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

### Eligibility Criteria

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

1. Evidence of specific learning disability

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

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

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

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

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



- b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:
    - A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.
  - c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:
    - A visual, hearing, or motor disability
    - Intellectual disability
    - Emotional or behavioral disability
    - Cultural factors
    - Irregular pattern of attendance or high mobility rate
    - Classroom behavior
    - Environmental or economic factors
    - Limited English proficiency
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:
    - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
    - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;and
  - 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 a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

- a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or
- b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

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

## Procedures

### 1. General education intervention procedures and activities

- a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:
  - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
  - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.
- 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 a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

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

### 3. Documentation of determination of eligibility

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

- a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
- b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning
- c. The educationally relevant medical findings, if any
- d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:
  - Performance discrepancy  
The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

- Rate of progress  
When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and
  - Educational need  
The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.
- 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:
- Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
  - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation
- 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 district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.**

Each student's response to intervention data is documented in the school district's student data performance management system, EdInsight. In conjunction with parents, teacher, and other educational stakeholders, the Core MTSS Problem Solving Team conducts root cause analysis based upon assessments and data that are matched to student's specific skill deficit. Upon assessing a student's present level of performance, the team then develops and implements an intervention plan. At the time the intervention plan is written, the team determines what type of curriculum/materials and assessment methods need to be tracked in order to determine the student's response to intervention with fidelity. In EdInsight, the assessment methods (matched to intervention skill and aligned to the chosen curriculum) are tracked. The student score, compared with the grade level expectation, and the class or intervention group average, is tracked. The team reviews student data at the agreed upon anticipated review date to determine the student's response to intervention. Documentation of periodic meetings with parents must be maintained. The information to be discussed includes the student's response to interventions, the supporting data, potential adjustment to the interventions, and anticipated future action to address the student's learning and/or behavioral areas of concern. Documentation of meetings is held in EdInsight. The SCPS Form #708(wb) will be used to summarize the interventions and the parent involvement. Observations of student in the educational environment (at least one in the general education classroom) and, as appropriate in other settings to document the student's academic or behavioral areas of concern. Use the SCPS form 1455: Behavioral Observation to document the behavior observation. Use the SCPS Form #708(wb) to document dates of observations. Behavior observations are made by at least two educators in two different environments. One of the observations must be completed by the student's classroom teacher. The observations should cite the specific behaviors/academic need relevant to the area of concern. At least two long-term behavioral observations and/or narratives (best practice: over a minimum of two weeks) should be written which indicate the problem(s) interfering with the student's learning. This narrative should be specific in terms of the history of the problem and behaviors exhibited. They should be longitudinal in nature and establish a history relevant to the area of concern. Narratives must be completed by certified instructional school personnel. A data review will be conducted to include the student's social, psychological, medical, and anecdotal records, as well as achievement data. The data review will verify the student received appropriate universal instruction in the regular education setting in addition to supplemental and intensified instruction as needed and delivered by qualified personnel. Attendance records must also be reviewed to indicate a student's success to instruction. The SCPS Form #708 will be used to document this information. Hearing and vision screenings must be completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Information from grade level screenings, available on the student's health folder, may be used, or screenings may be completed on a referral basis. If formal language screening instruments are utilized by a Speech and Language Pathologist, parental consent for a screening is required (SCPS Form #510a: Parent Permission for Screening). Additional screenings will be conducted, to assist in determining academic or behavioral interventions, as appropriate. The SCPS Form #708 will be used to document this information. Evidence-based interventions will be implemented to address the area of concern in the general education environment using student performance data to identify and analyze the area of concern. Interventions and coinciding tracking of interventions will be housed in EdInsight.

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

The district's philosophy is that parents are essential members of the problem solving process. Parents are included and encouraged to attend all problem-solving meetings. Universal screening results in reading and math are shared with all parents 3-4 times per year. For student's identified for tiered interventions, ongoing progress monitoring data is shared with parents at each meeting. The frequency of meetings depends primarily on the intensity of the need as well as the intensity of the interventions developed and implemented for the student. Universal screening data and ongoing progress monitoring data is shared in a graphical format that includes the student's performance and how they compared to both the school and the district performance.

**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.**

In order to make accurate comparisons to other students, the school's Core MTSS Problem Solving Team utilizes various assessments that are matched to the student's specific skill deficits. A member of the Core MTSS Problem Solving Team, teacher, or interventionist tracks universal screenings or diagnostic assessments. School-wide and class wide assessment data are used to evaluate the effectiveness of core academic and behavior programs. Teachers also use curriculum-based measurement data in conjunction with other data sources to identify students needing targeted group interventions and individualized interventions for academics. When a student is receiving intensified interventions, additional assessments are tracked to provide additional data on specific sub skill deficits. Assessment data is compared to a grade level average, class average, and/or intervention group average, contingent upon the student's needs. Observations of the student are also an important component to consider when looking at a variety of sources. Observations of the student in the educational environment (at least one in the general education classroom) and, as appropriate in other settings to document the student's academic or behavioral areas of concern. Behavior observations are made by at least two educators in two different environments. One of the observations must be completed by the student's classroom teacher. The observations should cite the specific behaviors/academic need relevant to the area of concern. Problem solving teams conduct screenings to rule out vision and hearing concerns. In addressing the variable of limited English proficiency, English language learners' performance should be interpreted in a context that takes into consideration critical variables that may impact their performance within the school setting. Within the MTSS framework, performance of an ELL must always be compared to that of "true peers," other students of a similar linguistic background, a similar level of language proficiency, similar levels of acculturation, and similar educational experiences. Performance data should always be disaggregated with consideration of these variables. Performance of an ELL should be considered discrepant from that of "true peers" when it is found to be at a lower level and slower rate than that of "true peers." Student data can be compared to the performance of "true peer" ELLs at the class, grade, and district level. Comprehensive information related to linguistic background to be considered for ELLs includes but is not limited to: language development history (age of first and second language onset), concerns with native language development, linguistic use and preference in various settings (social/conversational skills, family/home setting, school setting, etc.). Language proficiency and dominance should be considered for ELLs by address but not limited to any or all of the following: parent/guardian reports of linguistic preference, dominance, and proficiency; direct assessment of linguistic proficiency through formal and/or informal assessment; and/or comparative language proficiency data. Language proficiency and dominance variables should be considered at all stages of the intervention process. Rates of English language acquisition should be monitored regularly to identify students who may be progressing at a slower or faster rate than average. Direct psychoeducational assessment of academic, cognitive, social/emotional, and behavioral needs of ELLs should be predicated upon best practice guidelines for the assessment of ELLs and should utilize the native language as deemed appropriate by the school-based team. If native language assessments are not available, particular emphasis should be placed upon comparative rates of growth in English-language academic and linguistic performance.

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.8, 300.306 and 300.34

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

Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

### **Definitions**

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

## Eligibility Criteria

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

### 1. Speech sound disorder

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

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

### 2. Fluency disorder

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

- a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.
- b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational

environment, thereby demonstrating the need for exceptional student education.

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

### 3. Voice disorder

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

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

4. The student demonstrates a need for special education.

## Student Evaluation

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

1. For a speech sound disorder, the evaluation must include all of the following:
  - a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.
  - b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.
  - c. An examination of the oral mechanism structure and function.
  - d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.
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:
    - Motor aspects of the speech behaviors
    - Student's attitude regarding the speech behaviors
    - Social impact of the speech behaviors
    - Educational impact of the speech behaviors
  - e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.
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 requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.
  - b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.
  - c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.



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

## 2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to:

<http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf>.

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

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

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.8, 300.306 and 300.34

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

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

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

### **Definitions**

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

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

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

## Eligibility Criteria

### 1. For prekindergarten children

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

- a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
  - i. Listening comprehension
  - ii. Oral expression
  - iii. Social interaction
  - iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)
- b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.
- c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
- d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

### 2. For students in kindergarten through Grade 12

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

- a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:
  - i. Oral expression
  - ii. Listening comprehension
  - iii. Social interaction
  - iv. Written expression
  - v. Phonological processing
  - vi. Reading comprehension
- b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.
- c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:
  - i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.
  - ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.
  - iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.
  - iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.
- d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

## Documentation of Determination of Eligibility

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

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
  - a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
  - b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
  - c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
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(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.
- c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

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

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

**Language services**

- 1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
- 2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students

with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.

3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
  - a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
  - b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
    - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
    - The rationale for using this model
    - The manner in which the associate will be required to demonstrate competency
    - The process for monitoring the quality of services
    - The process for measuring student progress
    - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

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

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

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

### **Statutory and Regulatory Citations**

34 CFR §§300.8, 300.34, 300.172, and 300.324

Sections 1003.55, 1003.57, and 1003.575, F.S.

Rules 6A-6.03014 and 6A-6.0331, F.A.C.

### **Definition**

1. Students who are visually impaired include the following:

- a. A student who is blind, has no vision, or has little potential for using vision.
- b. A student who has low vision.
- c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and
- d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

## **Eligibility Criteria**

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

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
  - a. A visual acuity of 20/70 or less in the better eye after best possible correction;
  - b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
  - c. A diagnosis of visual impairment after best correction, or
  - d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

## **Student Evaluation**

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
  - a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
  - b. A learning media assessment; and
  - c. An orientation and mobility screening.

## **Reevaluation**

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

physician.

## Specialized Evaluations: Qualified Evaluators

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

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

## Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

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

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

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

### Statutory and Regulatory Citations

34 CFR §300.34

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

Sections 1003.01 and 1003.57, F.S.

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

### Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of



function.

2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

## **Assessments**

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

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

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

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

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

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

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

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

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

## **Statutory and Regulatory Citations**

34 CFR §300.34

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

Sections 1003.01 and 1003.57, F.S.

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

## **Definitions**

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

## **Assessments**

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

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

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

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

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

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
  - a. The educational need for physical therapy as a related service is being determined, and
  - b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
  - a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
  - b. Within the same geographic location as the assistant.

- c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.
- d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

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

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

## **Section C: Individual Educational Plan**

### **Statutory and Regulatory Citations**

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

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

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

### **Definition**

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

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

### **Procedures**

#### **1. Role of parents**

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

- a. Providing critical information regarding the strengths of their student;
- b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;
- c. Participating in discussions about the student's need for special education and related services;
- d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;
- e. Participating in the determination of what services the district will provide to their student and in what setting; and
- f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

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

The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members

of any group that makes decisions on the educational placement of their child.

- a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:
  - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend;
  - The meeting is scheduled at a mutually agreed upon time and place
- b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child. Parents may also be accompanied by an adult of their choice at a meeting with school district personnel.
  - Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
  - Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
  - The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4 below.  
Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Standards Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.
- c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.
- d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.
- e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.
- f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:
  - Detailed records of telephone calls made or attempted, and the results of those calls
  - Copies of correspondence sent to the parents and any responses received
  - Detailed records of visits made to the parents' home or place of employment, and the results of those visits
- g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14 or more, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.
- h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not

include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

- i. The district provides the parent with a copy of the IEP at no cost to the parent.

### 3. IEP team participants

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

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

### 4. IEP team member excusal

- a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student

with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

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

**Identify the individual(s), by name or position, who have been granted this authority.**

School Based Administrator, Designee, or the Student Staffing Resource Specialist/Student Support Services Facilitator (if attending the meeting).

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

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

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

**6. IEP timelines**

Timelines for IEPs include the following:

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

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

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

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

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

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

Determination of Extended School Year (ESY) services is an IEP team decision designed to ensure the provision of a Free and Appropriate Public Education (FAPE). The school invites the parent/guardian to a Student Study Meeting (SST) to review the IEP Team Recommendations for ESY services. Areas for consideration that can be used to determine whether a student is in need of ESY services includes, but is not limited to: • Regression/recoupment • Critical point of instruction • Emerging skills • Nature or severity of disability • Interfering behaviors • Rate of progress • Special circumstances A variety of criteria or factors will be considered to determine eligibility for ESY to ensure the provision of a Free and Appropriate Public Education (FAPE). The consideration of both formal and informal evaluations, as well as documentation of individual student performance will assist the IEP team in determining need and extent of ESY services for a student. Eligibility for ESY services and/or duration of services is not limited based on the type or the degree of disability. The data for determining ESY eligibility is reviewed at the time of the IEP annual review. COVID-19 compensatory services (CCS) refers to services as determined by an IEP team needed to remedy a student's skill and/or behavior loss and/or lack of progress that resulted from the LEA's inability to provide FAPE during the extended school closure. CCS should be considered only after the student receives services to recover the lost skills or behavior or to make progress to the level(s) determined appropriate prior to the extended school closure. These services can be addressed during ESY.

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

The Student Staffing Resource Specialists/Student Support Services Facilitators meet with each of their school based teams to review the criteria for ESY and review the various service delivery models based on the individual needs of the student. Also, the Student Support Services Department Administrative team provides training and ongoing consultation to school-based administration as it relates to ESY services, determination of need, and determination of services. The various service delivery models are monitored by the Student Support Services Administrative team. The procedure for ensuring the provision for ESY services for students served in other settings (i.e., Hospital/Homebound, Contracted Placements, etc.) are the same as those students served within a typical school setting.

- 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, in order to receive FAPE, the IEP includes a statement to that effect.

**8. Prior Written Notice**

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

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

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

- A description of the action proposed or refused by the district;
- An explanation of why the district proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
- A statement that the parents of a child with a disability have protection under the procedural safeguards if the



notice is not an initial referral for evaluation and the means by which a copy of a description of the procedural safeguards can be obtained;

- Sources for the parents to contact to obtain assistance in understanding the notice;
- A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- A description of other factors that are relevant to the district's proposal or refusal.

## 9. Content of the IEP

Each IEP must include the following:

- a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.
- b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.
- c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.
- d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in compliance with state and federal law. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)
- f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.
- g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Standards Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or an exemption due to medical complexity in accordance with s. 1008.22(11), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.
- h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.
- i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports

on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

- j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

10. Transitional needs addressed within IEP

- a. Before a student attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:
  - A statement of intent to pursue a standard high school diploma pursuant to s. 1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.4285, F.S., as determined by the parent;
  - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
  - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16.
- b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:
  - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP.
  - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
  - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
  - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.
- c. Any change in the IEP for the goals specified in section b (above) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.
- d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.
- e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

- f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

11. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

12. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(110) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(11), F.S. Students who entered Grade 9 before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

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

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible Career and Technical Education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

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

F.A.C.

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

requirements found at s. 1003.4282(10)(c), F.S.

- i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.
  - a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.
  - b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.
  - c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.
- ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22. The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

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

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

- o Parental Consent Form: [Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration](#)
- o Parental Consent Form: [Student Placement in an Exceptional Education Center](#)

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: [firules.org/gateway/reference.asp?no=ref-03384](http://firules.org/gateway/reference.asp?no=ref-03384). A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

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

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

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

- o To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

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

The district completed the BPIE.

**Date completed. (Please upload the district's BPIE services plan that must include all short- and long-term improvement efforts, in Appendix F).**

February 12, 2020

**The anticipated date for the triennial BPIE assessment, if known.**

On or before February 12, 2023

- o 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
- o 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.**

Seminole County Public Schools offers a continuum of services to students with special needs. To the maximum extent appropriate, students are served in the regular education classroom with their non disabled peers. Programs serving students with a specific learning disability as well as those with speech/language and other related services needs are available in all schools. A. Regular Education Classes/Inclusion Monitoring, Consultation and Support Facilitation services focus on Exceptional Student Education Teachers (Intervention Specialists) and general educators working together to best meet the needs of students with disabilities as well as children who may be "at risk". Each school has a Multi Tiered System of Supports Team to promote data driven instruction, to individualize learning experiences and to effectively integrate resources which would positively impact the child's educational program. B. Resource Room Small group instruction provides students with disabilities support that helps to increase their opportunity to benefit from regular class placement. This is supplemental instruction which focuses on targeted IEP goals and objectives. Depending upon each student's individual needs, this instruction could include academic support , as well as assisting students in becoming independent in the "process" of learning through the use of compensatory strategies, and study/organizational techniques. C. Self-Contained Classes A self contained ESE classroom serves children whose disabilities require intensive programming. Continued participation in the child's regular class activities is encouraged. A self-contained classroom offers instruction on Florida Standards or Florida Standards Access Points, depending on the needs of the student as determined by the IEP team. D. Separate Day School Students with disabilities who require an intensive level of support beyond what can be provided on a typical school campus may be served at a separate day school, which is a facility coordinated and run by the school district. E. Separate Facility Separate facilities are, typically, schools outside of the district that are designed specifically for students with disabilities. F. Home Instruction Home instruction is an individualized education program provided at home to a child who has a disability which prevents the child from attending a regular or special program, even with the aid of special transportation. G. Institutions and Hospitals. Hospital/Homebound services are available to students who have a medical concern resulting in the student being confined to the home or hospital. The medical diagnosis and information on resulting confinement is must be provided by a licensed physician.

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

Seminole County Public Schools offers Related Services to support students with disabilities who benefit from special education services. The IEP team meets to discuss where these supplementary services can best be provided to the student. In some cases, the related service or itinerant personnel go into the regular education classroom to provide the service. In other cases the team may determine that the student needs to be pulled out of the classroom for services due to the nature of the skill targeted. The related service personnel work together with the general education teacher and the ESE teacher to ensure the skills being taught are generalized in other environments.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.
  - The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
  - Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
  - In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.

- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
  - In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

15. Review and revision of the IEP

The district ensures that the IEP team:

- a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved
- b. Revises the IEP as appropriate to address:
  - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
  - Results of any reevaluation conducted
  - Information about the student provided to or by the parents
  - The student's anticipated needs or other matters
  - Consideration of the factors described earlier in subsection 7.
- c. Responds to a parent's right to ask for revision of the student's IEP
- d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

16. Changes to the IEP

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

- a. Changes to the postsecondary or career goals; and,
- b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

17. Students with disabilities in adult prisons



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

18. IEP implementation and accountability

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

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

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

20. Access to instructional materials

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

21. Physical education

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

22. Treatment of charter school students

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

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

23. Program options

The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

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

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

## Section D: Discipline

### Statutory and Regulatory Citations

34 CFR §§300.530–300.537

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

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

### Definitions

1. Change of placement because of disciplinary removals

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

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

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. 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.**

The Student Support Services Administrator meets with the school based administration to review IDEA requirements for students with disabilities. The Student Support Services department participated in trainings on positive behavior supports. The District Coordinator for Positive Behavior Supports shares data for each school in the county and the relationship to students with disabilities. School psychologists work with the schools on a case by case basis to determine if a student warrants an Individual Behavior Intervention Plan. School psychologists train ESE teachers at specific schools and work with individual ESE teachers on positive behavioral interventions. A team of psychologists, social workers, and board certified behavior analysts are dedicated to assist with behavioral interventions. Once a student receives five out of school suspension days, the IEP team will meet to discuss if behavior goals need to be added or modified to the IEP and if an individual Behavior Intervention Plan is warranted. Ongoing professional development is provided to teachers, administrators, psychologists, and social workers on the completion of functional behavior assessments and behavior intervention plans. All Seminole County Public Schools have been trained in the Tier 1: universal level of PBS. Each PBS school has a coach that works directly with the District Coordinator to assess progress and additional training needs. Every coach receives an additional one day training specific to the coach's role and responsibilities. Each school receives technical assistance based on their discipline data, PBS implementation assessment and benchmarks of quality score.

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

When a student with an IEP is exhibiting behaviors that impedes their learning or the learning of others, the IEP team is convened to discuss what, if any, additional supports or services are needed for the student to improve their behaviors. The team may request permission for re-evaluation and conduct a Functional Behavior Assessment. Following the completion of the Functional Behavior Assessment, the team determines whether or not an individual Behavior Intervention Plan is warranted. If the team determines that a Behavior Intervention Plan is warranted, then the team develops the plan, updates the IEP (including Present Levels of Performance, goals/objectives, etc), and implements the plan. Ongoing progress monitoring occurs and the plan is revised as needed.

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 Student Support Services Administrative Team monitors discipline data snapshots weekly and share with psychologists, social workers, and administrators at each school site for problem-solving. School based sites also identify frequently suspended students at each site and develop individualized intervention plans, meeting at least quarterly to review progress. Student Support Services Administrators in conjunction with various interventionists, identify schools with higher numbers of removals and conduct Conditions for Learning walkthroughs for establishing action plans for Tier 1 skills on campus. Utilize and train on specific, research-based skills groups at a Tier 2 level while developing intensive, individualized support activities for Tier 3 to be implemented by Student Support Staff. Moreover, for students with disabilities whose behavior warrants a suspension, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEP. The Student Support Services Administrators meet with their school based teams to review behavior intervention plans and plan for additional intervention strategies.

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

Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to non-disabled students, school personnel may remove a student with a disability who violates the code of student conduct from the student's current placement for not more than ten consecutive school days. Student Study Teams review information for students who have multiple removals to determine if removals are due to a pattern of behavior that should be addressed through student's supplementary aids and services. The team considers each student on a case-by-case basis, but typically addresses whether or not a student's behavior was substantially similar in a series of incidents that resulted in removals with additional factors considered such as frequency of removals, length of each removal, and an aggregation of time the student has been removed. At the 10th day of removal, the staffing resource specialist will be notified of the suspension and a manifestation determination meeting will be held to determine if the infraction is a manifestation of the student's disability. The Student Support Services Administrator will be informed and consult with school based administrators when a change in placement is being considered.

**3. Manifestation determination**

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

- a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
  - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
  - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP
- 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:
- Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
  - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
  - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.
- 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 meeting will be held within ten days of the infraction. The Parent/ Student Participation Form is used to notify the parent of the meeting. The student staffing resource specialist will be notified and a parent participation meeting notice will be sent to inform parents of the meeting date. Participants for the meeting will be determined by the parent and district and may include the parent, student staffing resource specialist, school psychologist, school social worker, ESE teacher, regular education teacher, school based administration and any other support service providers.

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

A functional behavior assessment may be initiated to analyze the environmental variables that are maintaining the student's behavior. The student study team/IEP team may request permission using the Parent Permission for Re-evaluation Form to conduct a functional behavior assessment, and if warranted, develop a behavior intervention plan. Permission must be obtained from the parent to conduct the functional behavior assessment. Appropriate members of the IEP team, which may include the school psychologist, school social worker, ESE teacher, general education teacher, etc., will conduct the functional behavior assessment. Upon completion of the functional behavior assessment, the IEP team will review all available data to determine whether an individual behavior intervention plan is warranted.

**Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.**

The district's Behavior Support Team provides quarterly training related to conducting FBA's and developing and implementing BIPs. School psychologists, school social workers, student staffing resource specialists, ESE teachers, general education teachers, and administrators are encouraged to attend.

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

When a student's behavior is determined not to be a manifestation of the student's disability, following the meeting, the school-based administrator determines whether the student will be assigned to an Interim Alternative Educational Setting (IAES). The Student Staffing Resource Specialist at the IAES will be notified of the incoming student and will schedule a case review and IEP meeting to ensure that FAPE is provided in the Least Restrictive Environment. The IEP team may consider conducting a FBA and developing a BIP, if warranted.

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

If the parent disagrees with a manifestation determination and submits required paper work for due process, a resolution meeting will occur within seven days of receiving notice of the request. The district's legal department contacts the Division of Administrative Hearing regarding the request for the expedited due process hearing. An Administrative Law Judge hears and makes a determination regarding the request for an expedited due process.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
  - a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
  - b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
  - c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
  - d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

**Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.**

Students with disabilities who are suspended or expelled from school or placed in an Interim Alternative Educational Setting (IAES) will continue to receive FAPE. The IEP team will ensure that the supports and services enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP. The student staffing resource specialist at the Interim Alternative Educational Setting conducts an IEP meeting to ensure the needs of the student are met. The Interim Alternative Educational Setting is staffed with exceptional student education teachers to meet the needs of the students and provide specially designed instruction per the student's IEP. The IEP team, which may also include a school psychologist and/or school social worker, will review and revise the student's IEP as needed. The parent and the student (if 14 years of age or in the 8th grade) are an integral part of the team.

**Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.**

Staff members who provide services for students with disabilities who are expelled/expelled or placed in an IAES are provided the same training that is offered to all teachers. The trainings include: Quality IEP, transition IEP, Section 504, and FBA/BIP.

6. Special circumstances and interim alternative educational settings

- a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
  - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of an SEA or a school district;
  - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
  - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district.
- 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 will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

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

On the date a decision is made to make a removal that constitutes a change in placement of a student with a disability because of a violation of a code of student conduct, the school based administration notifies the parent of the removal decision after the manifestation determination meeting. The parent is provided with a copy of the Notice of Procedural Safeguards at the manifestation determination meeting as well as mailing the parents a copy with their parent participation form.

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

The student's file is delivered by the Student Support Services Administrator to the Interim Alternative Educational Site. The manifestation form includes the Interim Alternative Educational Site start and end date to ensure the 45-school-day limit is maintained. The student staffing resource specialist at the site logs this information to ensure the student returns to his/her previous placement.

7. Appeal and expedited hearings

- a. An expedited hearing may be requested by:
  - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
  - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
- 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 Department of Education, and will be

held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
  - The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing
- 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)(b), F.S.

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

Upon receipt for due process, the district's legal department contacts the IDEA Compliance Administrator. The IDEA Compliance Administrator schedules a resolution meeting immediately in conjunction with the parent's availability to ensure it is held within seven days.

8. Authority of an Administrative Law Judge

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

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

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

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 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:

- The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or



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

b. Exception

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

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

c. Conditions that apply if no basis of knowledge

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

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

12. Student records in disciplinary procedures

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

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

All discipline records are handled by the Principal/designee and secured in a designated confidential area.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

- a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

- b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

## **Section E: Participation in State and District Assessments**

### **Statutory and Regulatory Citations**

34 CFR §§300.8

Chapters 458 and 459, F.S.

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

Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03018, 6A-6.03020,

6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

### **Statewide, Standardized Assessment Program**

#### 1. Purpose

The student assessment program provides information about student mastery of grade-level state standards and informs parents of their child's educational progress.

#### 2. Student participation

- a. Each student with a disability has the opportunity to participate in the statewide, standardized assessment program and any districtwide assessment of student achievement with allowable accommodations, if determined appropriate by the individual educational plan (IEP) team and recorded on the student's IEP.
- b. Accommodations identified for testing situations are those identified in the test administration manual and regularly used by the student in the classroom.
- c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide, standardized assessments and acknowledge, in writing, the implications of such accommodations.
- d. Students who are identified solely as gifted are not eligible for statewide, standardized assessment accommodations.

#### 3. Allowable accommodations

Allowable and appropriate accommodations for statewide, standardized assessments are included in the test administration manual. Copies of current statewide, standardized assessment test administration manuals published by the FDOE's Bureau of Assessment and School Performance and Bureau of Exceptional Education and Student Services are available by contacting the FDOE at <http://www.fldoe.org/asp>.

#### 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. "Statewide, standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design

and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The Commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

- b. "Circumstance" means a situation in which accommodations allowable for use on the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program, which lead to results that reflect the student's impaired sensory, manual, or speaking skills, rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
  - c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide, standardized assessment, a statewide, standardized end-of-course assessment, or an alternate assessment.
  - d. "Medical complexity" – Pursuant to s. 1008.22(11), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
  - e. "Parent" – Pursuant to Rule 6A-6.03411(1)(bb), F.A.C., parent means:
    - i. A biological or adoptive parent of a student;
    - ii. A foster parent;
    - iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the State);
    - iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or
    - v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.
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)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.
3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

- a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
  - b. Written documentation of the most recent evaluation data.
  - c. Written documentation, if available, of the most recent administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment.
  - d. A written description of the condition's effect on the student's participation in the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment.
  - e. Written evidence that the student has had the opportunity to learn the skills being tested.
  - f. Written evidence that the student has been provided appropriate instructional accommodations.
  - g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP that are allowable in the administration of the statewide, standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
  - h. Written evidence of the circumstance or condition as defined in Rule 6A-1.0943(1), F.A.C.
  - i. The name, address, and phone number of the student's parent.
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, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is *de novo*, and the Department has the burden of proof.

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

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

1. Child with a medical complexity
  - a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.
  - b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team

determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

- i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including those in the FSAA program. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner beginning June 1, 2015, and each June 1 thereafter:
  - a. The total number of students for whom a one-year exemption has been granted by the superintendent; and
  - b. For each student receiving an exemption, the student's name, grade level, and the specific statewide, standardized assessments from which the student was exempted.
- ii. One-, two-, or three-year or permanent exemption approved by the commissioner as described in s. 1008.22(11), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner no later than 30 calendar days before the first day of the administration window of the statewide, standardized assessment for which the request is made:
  - a. The student's name, grade level, and the statewide, standardized assessment for which the exemption request is made;
  - b. The name, address, and phone number of the student's parent;
  - c. Documentation of parental consent for the exemption;
  - d. Documentation of the superintendent's approval of the exemption;
  - e. Documentation that the IEP team considered and determined that the student meets the definition of a child with medical complexity as defined in s.1008.22(11), F.S.; and
  - f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or 459, F.S.
- iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

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

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

#### **2. Eligibility requirements**

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

- a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials, the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and
- b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science

based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

### 3. Eligibility areas excluded

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

### 4. District and IEP team requirements

If it is determined by the IEP team using the "Checklist for Course and Assessment Participation" that the student will participate in the statewide assessment through the AA-AAAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The "Checklist for Course and Assessment Participation" may be accessed at <https://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>.

### 5. Administration of the AA-AAAS

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

## Additional Information Required:

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

**The district administers district-wide assessment(s) of student achievement.**

- Yes  
 No

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

1) Common 9 Weeks Exam – all levels • modified version administered to students on Alternate Achievement Standards (AAS) 2) iReady Diagnostic Assessment – Elementary and Middle • modified version administered to some students on AAS OR • in-program assessment through: o Verbal-Behavior Milestones Assessment and Placement Programs (VB-MAPP) o Assessment of Basic Language and Learning Skills (ABLLS) o other curriculum-based assessment

## Parental Consent Documentation

In accordance with Rule 6A-6.0331(10), F.A.C., the district may not proceed with a student's instruction in access points and the administration of an alternate assessment without written and informed parental consent unless the district documents reasonable efforts to obtain parental consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

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

- Yes
- No

### Percentage of Students on Alternate Assessment

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

While there is a limit on the percentage of students statewide who may participate in the AA-AAAS, there is no such limit among school districts; however, 34 CFR §200.6(c)(3)(ii) and (iv) require that a school district submit information justifying the need to assess more than 1 percent of its students in any subject with an AA-AAAS. The State must make that information publicly available, provided that such information does not reveal personally identifiable information about an individual student.

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

**What is your district's 2018–19 participation percentage in FSAA in the following areas?**

#### Reading

1.3%

#### Mathematics

1.1%

#### Science

1.0%

**Is the district over 1% in any area?**

- Yes
- No

The criteria for the following statement is outlined in s. 1008.22(3)(c), F.S., and the Assessment Planning Resource Guide for IEP Teams, which can be found at [https://fsaa-training.onlinehelp.cognia.org/wp-content/uploads/sites/8/docs/FlaAlt\\_ResourceGuideIEP.pdf](https://fsaa-training.onlinehelp.cognia.org/wp-content/uploads/sites/8/docs/FlaAlt_ResourceGuideIEP.pdf), for use in determining student eligibility for participation in the FSAA program.

**If the district is over the 1% in any area, please provide a description of how the district is ensuring that IEP teams are adhering to the criteria (see above.)**

The district is working with school teams to review student files for students who are identified as a student with a disability in a category that is not traditionally-aligned with characteristics of the potential for a significant cognitive disability (i.e. Deaf/Hard of Hearing, Language Impaired). Additionally, district staff are file reviewing previous evaluations of students who have taken FSAA with an exceptionality of Other Health Impaired as well as current performance data for students who have been high-achieving on the FSAA to determine if the student continues to show a need to be on Florida Standards Access Points.

**Provide a justification, with supporting evidence, that identifies specific programs or circumstances within the district that may contribute to higher enrollment of students in access courses and an exceeding of the 1% (e.g., center schools serving surrounding districts).**

Seminole County has continued to see increased enrollment and identification of students who have Autism Spectrum Disorders (ASD) with some of these students displaying significant cognitive disabilities. There are currently 1,279 students with ASD in Seminole County compared to 992 in 2015 and 461 in 2010. Additionally, Seminole County has frequent transfers of students who are on Access Points from bordering counties and through the multitude of school choice options available. Many of the pockets of the district that receive frequent transfers are zone schools for some of our temporary housing options, which creates transiency for students feeding into the school district.

**In the text box below, please provide a narrative response describing the district's self-assessment of disproportionality in each content area for each subgroup testing using the FSAA within the district. Please describe the method used to assess the district's proportionality for FSAA testing and the district's plan to address any area of identified disproportionality.**

Data was analyzed to determine the current percentage of students within all race categories for both overall population of students with disabilities and students with disabilities who have taken the FSAA this school year. We decided to complete this self-assessment for students in race subgroups because we are monitoring race-related difference on other metrics related to serving students with disabilities. In comparing these percentages, there are not areas of concern that are above a percentage difference of 7%. Areas of concern due to a difference greater than 5% are students who are Black or African American and students who are White. To address this concern for potential disproportionality, students who are Black or African American or White will be tracked for eligibility determination and require a case review with a district administrator. This will support our district team in beginning to analyze this concern and determine potential root causes for the difference in identification amongst races. Race Students Taking FSAA Overall  
SWD American Indian or Alaskan Native 1.03% 1.02% Asian 4.74% 3.37% Black or African American 32.69% 27.28% Native Hawaiian or Other Pacific Islander 0.38% 0.42% White 61.15% 67.90%

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

### **Statutory and Regulatory Citations**

34 CFR §§300.25 and 300.101

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

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

### **Definition**

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

### **Eligibility Criteria**

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



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

## **Child Evaluation**

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

## **Instructional Program**

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

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

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

**The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.**

SCPS develops a schedule of 15 or more monthly Part C transition conferences (as described in the Interagency Agreement). Seminole County Public Schools (SCPS) submits the schedule to Early Steps several months in advance. 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. Eligibility for Part B is determined 30-45 days before the child's third birthday. The IEP is developed and implemented by the child's third birthday. There are circumstances when parents decide at a late date they want a transition conference. Early Steps and SCPS work together closely to schedule the transition conference, then SCPS schedules the activities in the referral for evaluation process to be completed before the third birthday. At times, the referral to Early Steps is received when a child is 33 to 34 months of age. SCPS works closely with Early Steps to schedule a joint evaluation. The results of the evaluation are used for determining Early Steps Part C eligibility as well as Part B eligibility. This facilitates the development of an IEP by a child's third birthday.

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

### **1. Philosophy**

- a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
- b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
- c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
- d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

### **2. Curriculum**

- a. Curriculum content, materials, and activities are consistent with the district's program philosophy.
  - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
  - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared

framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.

- For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

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 in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.
- d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

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

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

## **Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years**

### **Students with Disabilities Ages Birth through 2 Years**

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

34 CFR §303.340

Sections 1003.03, 1003.21 and 1003.57, F.S.

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

#### **Definition**

An individualized family support plan (IFSP) is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through 2 years (below 36 months), related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through 2 years.

## Procedures

### 1. Content of an IFSP

The IFSP is in writing and includes:

- a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment;
- b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;
- c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;
- d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or the special education and related services necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified on the IFSP, including:
  - i. Frequency, intensity and method of delivering services;
  - ii. Location of the services;
  - iii. Length of the services;
  - iv. Funding source or payment arrangements, if any;
  - v. Anticipated duration of these services;
  - vi. Other services;
  - vii. Projected dates for initiation of services for children birth through 2, which must be as soon as possible but within thirty (30) calendar days of the date the parent consents to the service, and the anticipated duration of these services;
  - viii. Steps to be taken to support the transition of the child, when exiting the Early Steps program to preschool services for children with disabilities ages (3) through (5), or other services that may be available. The steps required for transition shall include:
    - a. Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;
    - b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
    - c. Notification information to the school district for the purpose of child find;
    - d. With parental consent, the transmission of information about the child to the school district to ensure

continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and,

- e. Identification of transition services and other activities that the IFSP team determines are necessary to support the child.
  - e. A statement of the natural environments in which early intervention services, or special education and related services, are to be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;
  - f. A statement of the strategies needed in order to meet the child's and family's outcomes;
  - g. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs, or the individual who is otherwise qualified to be responsible for the implementation of the early intervention or special education and related services identified in the IFSP, including transition services and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at the time the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or appoint a new service coordinator;
  - h. Family demographic and contact information;
  - i. A statement of eligibility, including recommendations for children not found eligible;
  - j. A description of everyday routines, activities and places in which the child lives, learns and plays and individuals with whom the child interacts;
  - k. Identification of the most appropriate IFSP team member to serve as the primary service provider;
  - l. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP; and,
  - m. For children ages birth through 2 years:
    - i. Identification of any medical and additional supports that the child or family needs or is receiving through other sources, but that are neither required nor funded under the Individuals with Disabilities Education Act, Part C, 34 CFR §303.344(e); and,
    - ii. A description of the steps the service coordinator or family will take to assist the child and family in securing additional supports not currently being provided.
2. Timelines for IFSPs for children with disabilities ages birth through 2 years. These timelines shall include the following:
- a. For a child who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP must be conducted within forty-five (45) days from referral;
  - b. A review of the IFSP for a child and the child's family must be conducted every 6 months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review. The review may be carried out at a meeting or by another means that is acceptable to the parents and other participants. The purpose of the periodic review is to determine:
    - The degree to which progress toward achieving the results or outcomes identified on the IFSP is being made;
    - Whether modifications or revision of the results or outcomes or services are necessary; and
    - Whether additional needs have been identified based on ongoing assessment or observation.
  - c. A face-to-face meeting must be conducted on at least an annual basis by the IFSP team to re-determine eligibility and

review the IFSP for a child and the child's family, and to revise, change or modify its provisions and assess the continuation of the outcomes, strategies and recommended services, as needed. The results of any current evaluations, and other information available from ongoing assessments of the child and family, must be considered at the annual review of the IFSP to determine continuing eligibility and the early intervention services that are needed and will be provided.

d. IFSP meetings must be conducted:

i. In settings and at times that are convenient to families;

ii. In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so;

e. Meeting arrangements must be made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend;

f. The contents of the IFSP must be fully explained to the parent(s) and informed written consent from the parent(s) must be obtained prior to the provisions of early intervention services described in the plan. If the parent(s) does not provide consent with respect to a particular early intervention service, that service may not be provided. The early intervention services to which parental consent is obtained must be provided.

3. The IFSP must:

a. Family demographic and contact information;

b. The frequency, intensity, and method of delivery of the early intervention services;

c. The location and length of the early intervention services;

d. Funding source or payment arrangements, if any;

e. Anticipated duration of the services;

f. Other services to the extent appropriate;

g. A statement of eligibility, including recommendations for children not found eligible;

h. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

i. Identification of the most appropriate IFSP team member to serve as the primary service provider;

j. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP;

k. Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C;

The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

l. Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided;

4. Participants in IFSP meetings (ages birth through 2 years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities age birth through 2 years must include:

- a. The parent or parent(s) of the child;
  - b. Other family members as requested by the parent(s), if feasible to do so;
  - c. An advocate or individual outside of the family, if the parent(s) request that the individual participate;
  - d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;
  - e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;
  - f. The individual who will be providing early intervention services to the child or family, as appropriate.
  - g. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:
    - i. Participating in a telephone or video conference call;
    - ii. Having a knowledgeable authorized representative attend the meeting; or
    - iii. Making pertinent records available at the meeting.
5. Provision of services before evaluation and assessments are completed. Early intervention services for a child with disabilities ages birth through 2 years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:
- a. Parental consent is obtained;
  - b. An interim IFSP is developed that includes:
    - i. The name of the service coordinator who will be responsible for implementation of the interim IFSP and coordination with other agencies and individuals;
    - ii. The early intervention services that have been determined to be needed immediately by the child and the child's family;
    - iii. Signatures of those who developed the IFSP.
  - c. The evaluation and assessments are completed within 45 calendar days from referral.
6. Financial responsibility. For children ages birth through two years, the school district shall only be responsible for the early intervention services specified and agreed to through the IFSP process.

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

### **Statutory and Regulatory Citations**

34 CFR §§300.323 and 303.340

Sections 1003.03, 1003.21 and 1003.57, F.S.

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

### **Definition**

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

## Procedures

### 1. Content of an IFSP

The IFSP is in writing and includes:

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



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

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

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

3. Participants in IFSP meetings for children with disabilities (ages 3-5 years) include:

- a. The parent(s);
- b. Not less than one regular education teacher, if the child is or may be participating in the regular education environment;
- c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student;
- d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

- e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b.-d. of this subsection;
  - f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and
  - g. Whenever appropriate, the child.
4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.
- a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:
    - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
    - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
    - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
  - b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.
  - c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.
  - d. Paragraphs a.-c. of this subsection apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.
5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the student.
6. For children ages 3-5 years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

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

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

This section is not applicable for the Department of Corrections.

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

Sections 1003.01 and 1003.57, F.S.

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

#### **Definition**

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

## Eligibility Criteria

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

1. The student demonstrates:
  - a. The need for a special program
  - b. A majority of characteristics of gifted students according to a standard scale or checklist
  - c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
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
  - 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. 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 and guidance in understanding their special characteristics.
- e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
- f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

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

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

## **Section B: Educational Plans for Students who are Gifted**

### **Statutory and Regulatory Citation**

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

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

## Procedures

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

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

a. The EP includes:

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

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

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

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

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

d. EP participants include:

- The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
- At least one teacher of the gifted program
- One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for review and revision of the subsequent EPs

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

## 2. Parent participation in EP meetings

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

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

## 3. Implementation of the EP

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

### One of the following must be selected:

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

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

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

#### Statutory and Regulatory Citations

34 CFR §§300.130–300.144

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

#### Definition

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

#### Procedures

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

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

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

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

a. Activities

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

b. Cost

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

c. Completion period

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

d. Out-of-state students

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

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 IDEA by providing them with special education and related services, including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§300.190 through 300.198.

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

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

##### b. Record keeping

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

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

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

#### 6. Calculating proportionate amount

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



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

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

8. Supplement, not supplant

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

9. Consultation with private school representatives

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

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

10. Written affirmation

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

11. Compliance

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

## 12. Equitable services determined

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

## 13. Services plan for each student served

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

## 14. Equitable services provided

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

## 15. Location of services and transportation

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

16. Due process hearings and procedural safeguards

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

17. State complaints

- a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.
- b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

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

19. Use of personnel

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

20. Separate classes prohibited

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

21. Property, equipment, and supplies

- a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.
- b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.
- c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

- d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.
- e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

## Section B: John M. McKay Scholarships for Students with Disabilities Program

### Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43 1002.66 and 1003.21, F.S.

### Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

### Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
  - a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
  - b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
    - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
    - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
    - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

**Note:** A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

- c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the

parent's request.

2. A student is not eligible for a John M. McKay Scholarship while:
  - a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
  - b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;
  - c. Participating in a home education program as defined in s. 1002.01, F.S.;
  - d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;
  - e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;
  - f. Enrolled in the FSDB; or
  - g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

## **Procedures**

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

## **School District Obligations**

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the <http://www.floridaschoolchoice.org> website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

**Note:** Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.

8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.
12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

## **Section C: Gardiner Scholarship Program**

### **Statutory and Regulatory Citation**

Chapter 1005, Part III, F.S

Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

### **Definition**

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
  - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
  - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
  - "Department" means the FDOE.
  - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
    - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
    - Cerebral Palsy, as defined in 393.063, F.S.;
    - Down Syndrome, as defined in s.393.063, F.S.;
    - Intellectual Disability, as defined in s.393.063, F.S.;
    - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
    - Spina bifida, as defined in s. 393.063, F.S.;

- For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
  - Muscular dystrophy;
  - Williams Syndrome;
  - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
  - Anaphylaxis;
  - Deaf;
  - Visually impaired;
  - Traumatic brain injured;
  - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
  - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
- "Eligible" to receive a Gardiner Scholarship means that the student:
    - Is a resident of this state;
    - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
    - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
    - Has a disability as defined above.
  - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
  - "Eligible postsecondary institution" means any of the following:
    - Florida College System institution;
    - State university;
    - School district technical center;
    - School district adult general education center; or
    - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
  - "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
  - "IEP" means an individual education plan.
  - "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
  - "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.

- o "Program" means the Gardiner Scholarship Program.

## School District's Obligations and Parental Options

- Include the following:
  - o The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - o The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - o Provide for state assessments to students, upon parental request.

## Part V. Appendices

### Appendix A: General Policies and Procedures

One of the following must be selected:

#### Procedural Safeguards for Students with Disabilities:

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

One of the following must be selected:

#### Procedural Safeguards for Students Who Are Gifted:

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

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

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

#### II.B.1 Autism Spectrum Disorder

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

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

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



### **II.B.3 Developmentally Delayed**

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

### **II.B.4 Dual-Sensory Impaired**

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

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

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

### **II.B.6 Established Conditions**

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

### **II.B.7 Homebound or Hospitalized**

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

### **II.B.8 Intellectual Disabilities**

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

### **II.B.9 Orthopedic Impairment**

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

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

- Evaluations

- Qualified Evaluators
- Unique Philosophical, Curricular or Instructional Considerations

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

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

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

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

**II.B.13 Speech Impairments**

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

**II.B.14 Language Impairments**

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

**II.B.15 Visually Impaired**

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

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

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

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

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

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

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

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

**III.A. Gifted**

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

**Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted**

**Current Status**

Provide the following data:

**Total Student Population**

**Total Number of Students**

65,425

**Total Number of Gifted Students**

6,364

**Percent of All Gifted Students**

9.73%

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

**Number of LEP Students**

6,499

**Number of LEP Gifted Students**

173

**Percent of LEP Gifted Students**

2.66%

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

2.72%

\*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

31,760

### Number of Low SES Gifted Students

1,801

### Percent of Low SES Gifted Students

5.67%

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

28.30%

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

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

## District Goal

**Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).**

Increase the percentage of English Language Learners and students on Free and Reduced Lunch to better reflect the district's overall percentage of students that comprise these groups. Our goal for English Language Learners is a 0.25% yearly increase. We predict the percentage of English Language Learners to be 3% this year and 3.75% in three years. Our goal for students on Free and Reduced Lunch is a 0.50% yearly increase. We predict the percentage of students on Free and Reduced Lunch to be 30% this year and 31.5% in three years.

### 1. Screening and Referral Procedures

- o A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation

### 2. Student Evaluation Procedures

- o A description of the evaluation procedures and measurement instruments that will be used

### 3. Eligibility Criteria

- o A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership,

motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment

#### 4. Instructional Program Modifications or Adaptations

- o A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from underrepresented groups in the existing instructional program for students who are gifted

#### 5. District Evaluation Plan

- o A description of the district's plan used to evaluate its progress toward increasing participation by students from underrepresented groups in the program for students who are gifted

### Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

Select from the following:

- The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.
- The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

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

- This section is not applicable for the district.

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

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

N/A

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

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

- The district's completed BPIE Indicator Rating Tally Sheet is attached.
- The district's plan to address the prioritized BPIE Indicators is attached.

## Appendix G: District Procedures During a Declared State of Emergency

In the box below, please provide a narrative response describing your district's procedures during a declared state of emergency impacting the provision of special instruction and services for exceptional students.

During a declared state of emergency impacting the provision of special instruction and services for exceptional student which requires school building closure and the provision of instruction to all students in a remote learning environment, Seminole County Public Schools will shift to provide instruction and services through a district-developed live learning platform delivered virtually (Seminole Connect). In the case that services cannot be provided through the live learning platform due to circumstances related to the state of emergency (such as loss of power, internet, etc.), a temporary distance learning plan will be developed and documented through meeting notes for each individual student who has an Individual Education Plan (IEP) or Educational Plan (EP) in collaboration with parents/guardians. This temporary distance learning plan takes into consideration student needs and current services, specialized instruction, supplementary aids, accommodations, related services, and other components described in the IEP/EP. Additionally, the IEP team and parent/guardian will discuss differences in student needs in a remote learning environment, parent/guardian needs related to instruction, services, and supports to be provided, as well as next steps for implementing the temporary distance learning plan including contact with teachers/services providers for scheduling. Additionally, teams must closely monitor each student's temporary distance learning plan to determine if implementation is aligned with the plan or if adjustments need to be made based on student engagement, progress on IEP goals, or feedback from other team members, student, or parent/guardian. District letter with an example of parental notice of temporary distance learning planning procedures when school closure occurred is provided as a sample of documentation. During and after school closures, progress monitoring measures are implemented to determine gaps in learning that may have occurred as a result of the school closure. Progress monitoring includes district-based assessments, data probes on IEP goals, and other measures as described by the IEP and the district student progression plan. If students have demonstrated regression, loss of acquired skills during school closure, or other extenuating circumstances, the IEP team will meet to discuss student's potential need for remediation based on these data through Extended School Year (ESY) services. These ESY services may be provided throughout the school year (after school hours and/or during school breaks) and during the summer for the purpose of closing said gaps. For school closure related to health and safety concerns in the community, particular consideration must be provided to students who are medically vulnerable. As a component of the district reopening plan after COVID-19 school closure, there are provisions for students to participate in instruction virtually at their parent(s) discretion. For medically vulnerable students who attend school face-to-face during ongoing community health/safety events, specific medical needs will be accommodated for in the learning environment. Specific needs may include additional Personal Protective Equipment (PPE), lower number of students/adults in a classroom, and other recommendations provided by medical personnel. Accommodations will be made on a case-by-case basis in consultation with district health services staff, parent, and other relevant team members. Parents will receive regular communication from the District with regard to school closure, progress monitoring related to school closure, and health/safety measures through communication via the school district website, email/phone contact from school and/or district, communication with ESE teacher or other case manager, and additional support through school- and district-based administration.

## Birth through two

Attachment: 1-59-423 Seminole County Public Schools will serve students Birth through Two with Established Conditions as a support to children who receive early intervention from Early Steps providers. The Carolina Curriculum for Infants and Toddlers with special needs will be utilized to provide parent training and encourage involvement in their child's global developmental progress.

SLD:

Attachment: 3-59-1279 SLD students in grades K-12 will be served in the general education classroom to the maximum extent possible as indicated in their IEP. The exceptional education teacher is responsible for providing specially designed instruction in collaboration with the general education teacher in the least restrictive environment. A variety of service delivery models will be considered, including: monitoring, consultation, support facilitation, co-teaching, and/or direct instruction based on individual student needs.



## Screening and Referral Procedures

Any student may be referred by their parent or teacher. Schools will conduct a systematic screening of available student data. The school should use existing data such as Lexile scores, Oral Reading Fluency scores, Discovery Education scores, FCAT data, and other achievement data and compare it to scores of students who are gifted within the school. Students who compare favorably should be considered for further screening on an individually administered screening or the student should be considered for a referral for an evaluation. Screening using available achievement data does not require parental consent as all students participate in ongoing progress monitoring. An individual screening of a student which singles the student out from the rest of a class with the intention of using the data for a referral requires prior parental informed notice/consent (including procedural safeguards). Parent Permission for Screening must be used. The school-based case manager is required to fully inform the parent that the screening may be followed by an assessment and ensure that the parent understands the difference. Upon completion of the screening, parents must be notified of the results. For students referred for an evaluation to determine if they are eligible for gifted services, the Student Study Team should ensure that the student shows a need for services.

A Documentation of Records Review and Gifted Program Checklist of Traits must be completed to help the Student Study Team determine the need for a referral for formal assessment. Sensory screenings are not required for a gifted referral.

For students from under-represented groups, subjective material such as portfolio information, teacher observation, depth of student projects, extra-curricular participation, areas of interest, leadership, and service activities should be considered and documented on the gifted matrix form. Students may be screened using the: a. All available achievement data (i.e., Discovery Ed, FSA, etc.), and/or b. Kaufman Brief Intelligence Test, Second Edition (KBIT2), and/or c. Naglieri Nonverbal Ability Test, Second and Third Edition (NNAT2 & NNAT3)

The Student Study Team has discretion in interpreting the screening score for all students. All available objective and subjective data should be used in determining if a student should be referred for an evaluation for gifted services.

### 4. Student Evaluation Procedures

All students will be considered for Gifted Program Eligibility under Plan A. If a student from an underrepresented population needs further consideration, the Student Study Team will complete the Gifted Program Eligibility Matrix (Plan B). Underrepresented populations include: (a) Students who are from low-socioeconomic status families. (b) English Language Learners who are actively participating in ESOL; pending ESOL testing; or have exited ESOL within the last two years (LY, LP, or LF).

## Part VI. Attachments Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Student who are Gifted

### I. Academic Evaluation Percentile Score

Standardized academic measures which provide percentile rankings (i.e. Discovery Education) are utilized in this section of the Gifted Program Eligibility Matrix.

### II. Academic Performance

Report card averages are utilized in this section of the Gifted Program Eligibility Matrix.

### III. Gifted Characteristics Checklist Average

Results from the HOPE Scale are utilized in this section of the Gifted Program Eligibility Matrix. The HOPE Scale, an 11-item, teacher-rating instrument, was developed to identify academic and social components of giftedness and talent in elementary age students (Purdue University, Revised 2/2009). Teachers are asked to indicate how frequently they observe the traits and behaviors listed using the following scale: 6 = Always, 5= Almost Always, 4 = Often, 3 = Sometimes, 2 = Rarely, or 1 =Never.

At least two professionals should complete the HOPE Scale checklist for each student. At the secondary level, each teacher that has the student should complete the HOPE Scale checklist. Remember that individuals other than classroom teachers may complete the HOPE Scale (Media Specialist, Guidance Counselor, P.E., Art, Music, Administrator, etc.). Each person should be given a separate checklist. The Student Study Team or other appropriate personnel should then average the checklist scores for each domain (Academic and Social).

### IV. Intelligence Test

A score from an individually administered test of intellectual ability administered by a qualified evaluator is utilized in this section of the Gifted Program Eligibility Matrix.

### V. Student Portfolio Total Score

The Total Score from the Student Portfolio Rating Form is utilized in this section of the Gifted Program Eligibility Matrix. The Student Study Team will review samples of the student's products contained in a Student Portfolio. Products may come from either in-school settings or out-of-school settings (community projects, extracurricular activities, religious activities, etc.) and may be selected by the student, the teacher, the parent, or other individual who maintains frequent contact with the student. A Student Portfolio should be assembled over a period of time. Sample Student Products/Performances which display evidence of creativity, motivation, leadership, problem solving and outstanding performance in school and in the community:

Academic Work Samples Creative Stories Models Community-based Projects Student Journals  
Videos Drawings Student Performance Samples Presentations Collages Photos of Work  
Technology-based Products Awards Collections Any Additional information

The Student Portfolio is rated by the Student Study Team using the Student Portfolio Rating Form. A Portfolio Proficiency Level is determined for each category: creativity, motivation, leadership and problem-solving/academic proficiency. Each member of the Student Study Team individually reviews the student portfolio and determines a Portfolio Proficiency Level for each

category. The Student Study Team discusses the individual ratings and indicates consensus for each category on the Student Portfolio Rating Form. The Total Score is the sum of the Portfolio Proficiency Level for each category. Indicate the Student Portfolio Total Score on the Gifted Program Eligibility Matrix. Circle the number under the corresponding score range on the Gifted Program Eligibility Matrix.

Subtotal

Total the circled numbers for each column on the Gifted Program Eligibility Matrix and enter the total at the bottom of each column. Transfer each column total to the Total Score row.

Total Score

The Gifted Program Eligibility Matrix Total Score is the sum of scores across all columns.

5. Eligibility Criteria A student is eligible for special instructional programs for the gifted from kindergarten through grade twelve if the student meets the following criteria:

1. The student demonstrates the need for a special program; a majority of characteristics of gifted students according to a standardized scale or checklist; superior intellectual ability as measured by an IQ score of two standard deviations or more above the mean on an individually administered standardized test of intelligence.

Or

2. The student demonstrates the need for a special program and has a majority of characteristics of gifted students according to a standardized scale or checklist. For those students being considered under Plan B, a Gifted Program Eligibility Matrix is completed. After scores from each category have been entered on the Gifted Program Eligibility Matrix a student may be declared eligible with a minimum Total Score of 75 with a minimum score of 115 in the Intelligence Test category. The Student Study Team will determine eligibility/ineligibility.

6. Instructional Program Modifications or Adaptations Seminole County Public Schools has scheduled professional development for teachers regarding the identification of students from underrepresented populations which includes the following learning objectives: • Participants will understand the core attributes of giftedness as they are expressed in different cultural and environmental contexts • Participants will increase their recognition of cognitive, physical, and affective characteristics of diverse gifted students • Participants will understand their role in the screening and identification process The lead Psychologist for the gifted initiative will collaborate with the lead gifted teachers to develop additional professional development regarding instructional strategies and talent development curriculum/activities to enhance the participation of students from under-represented groups. The district will also include developing parent trainings in support of talent development.

7. District Evaluation Plan The district will continuously monitor and analyze gifted identification data from under-represented populations. Quarterly reports will be provided to the

superintendent, associate superintendent for curriculum and instruction, executive directors, and principals.



**SEMINOLE COUNTY PUBLIC SCHOOLS, FLORIDA  
EXCEPTIONAL STUDENT SUPPORT SERVICES  
GIFTED PROGRAM ELIGIBILITY MATRIX- Plan B**

**STUDENT'S NAME** \_\_\_\_\_

**DOB** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_

**GRADE** \_\_\_\_\_

NOTE: Please see Gifted Program Eligibility Matrix Information for complete directions for use of Gifted Program Eligibility Matrix.

| <b>I. ACADEMIC EVALUATION PERCENTILE SCORE</b><br><i>(Indicate test name, score and date of administration)</i> | <b>95-99%</b>  | <b>90-94%</b>  | <b>85-89%</b>  | <b>80-84%</b> |
|---|----------------|----------------|----------------|---------------|
| Reading: DOT:   | 28             | 21             | 14             | 7             |
| Math: DOT:  | 28             | 21             | 14             | 7             |
| <br>  |                |                |                |               |
| <b>II. ACADEMIC PERFORMANCE</b><br><i>(Indicate report card average)</i>  | <b>A</b>       | <b>B</b>       | <b>C</b>       |               |
| Reading/Language Arts:  | 8              | 6              | 4              |               |
| Math:   | 8              | 6              | 4              |               |
| <br>  |                |                |                |               |
| <b>III. GIFTED CHARACTERISTICS CHECKLIST AVERAGE</b><br><i>(Indicate total score for each domain)</i>           | <b>25-36</b>   | <b>20-24</b>   | <b>15-19</b>   | <b>10-14</b>  |
| Academic:   | 8              | 6              | 4              | 2             |
| Social:   | 8              | 6              | 4              | 2             |
| <br>  |                |                |                |               |
| <b>IV. INTELLIGENCE TEST</b><br><i>(Indicate test name, date of administration, score type &amp; score)</i>     | <b>125-130</b> | <b>120-124</b> | <b>116-119</b> | <b>115</b>    |
| Test Used: DOT:   | 8              | 6              | 4              | 2             |
| Full Scale / Total Composite Score:   |                |                |                |               |
| <br>  |                |                |                |               |
| <b>V. STUDENT PORTFOLIO TOTAL SCORE</b><br><i>(Indicate score from Student Portfolio Rating Form)</i>           | <b>13-16</b>   | <b>10-12</b>   | <b>7-9</b>     | <b>4-6</b>    |
| Total Score:  | 28             | 21             | 14             | 7             |

**SUBTOTAL** (points in each column)

**TOTAL SCORE** (Add Across) + + +

After scores from each category have been entered on the Gifted Program Eligibility Matrix, a student may be declared eligible with a minimum Total Score of 75 with a minimum score of 115 in the Intelligence Test category. The Student Study Team will determine eligibility/ineligibility.

**STUDENT IS ELIGIBLE**  **YES**  **NO**



**SEMINOLE COUNTY PUBLIC SCHOOLS, FLORIDA  
EXCEPTIONAL STUDENT SUPPORT SERVICES  
GIFTED PROGRAM ELIGIBILITY MATRIX- HOPE SCALE**

STUDENT'S NAME \_\_\_\_\_ DOB \_\_\_\_\_ GRADE \_\_\_\_\_ DATE \_\_\_\_\_  
 SCHOOL \_\_\_\_\_ TEACHER \_\_\_\_\_ SUBJECT: \_\_\_\_\_

STUDENT DEMOGRAPHIC INFORMATION:  Male  Female  
 American Indian  Asian  Black  Hispanic  Multiracial  Pacific Islander  White/Non-Hispanic  
 Free/ Reduced Lunch  English Language Learner

NOTE: Please see HOPE Scale Directions for use of Gifted Characteristics Checklist Form. I.

**RATING OF GIFTED CHARACTERISTICS**

HOPE Scale\*

When rating students on each item below please think about the student compared *to other children similar in age, experience, and/or environment*. Use the following scale to indicate how frequently you observe the traits and behaviors listed in items 1 -11.

**6 = Always    5 = Almost Always    4 = Often    3 = Sometimes    2 = Rarely    1 = Never**

|   | <b>6</b>                 | <b>5</b>                 | <b>4</b>                 | <b>3</b>                 | <b>2</b>                 | <b>1</b>                 |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1. Performs or <i>shows potential</i> for performing at remarkably high levels.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is sensitive to larger or deeper issues of human concern.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is self-aware.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Shows compassion for others.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is a leader within his/her group of peers.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is eager to explore new concepts.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Exhibits intellectual intensity.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Effectively interacts with adults or older students.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Uses alternative processes.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Thinks "outside the box."   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Has intense interests.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Please indicate all content areas where the student shows talent.   |                          |                          |                          |                          |                          |                          |
| <input type="checkbox"/> Math <input type="checkbox"/> Reading <input type="checkbox"/> Creative Writing <input type="checkbox"/> Social Studies<br><input type="checkbox"/> Science <input type="checkbox"/> Foreign Language <input type="checkbox"/> Arts <input type="checkbox"/> Other _____ |                          |                          |                          |                          |                          |                          |
| Please provide additional information concerning this child's potential :   |                          |                          |                          |                          |                          |                          |

Purdue University, Revised 2/2009 - Developed w1th funding from the Jack Kent Cooke Foundation 2007

**II. DOMAIN TOTAL**

*(Indicate individual item score and total score for each domain)*

Academic:            \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ = \_\_\_\_\_  
 Items:                (1)            (6)            (7)            (9)            (10)        (11)        Domain Total

Social:                \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ + \_\_\_\_\_ = \_\_\_\_\_  
 Items:                (2)            (3)            (4)            (5)            (8)            Domain Total



**SEMINOLE COUNTY PUBLIC SCHOOLS, FLORIDA  
EXCEPTIONAL STUDENT SUPPORT SERVICES  
GIFTED PROGRAM ELIGIBILITY MATRIX**

STUDENT'S NAME: \_\_\_\_\_  
SCHOOL: \_\_\_\_\_

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

NOTE: Please see Gifted Program Eligibility Matrix Information for complete directions for use of Student Portfolio Rating Form.

**I. RATING OF STUDENT PRODUCTS/PERFORMANCES**

*(Indicate Student Study Team consensus for each Category using the Portfolio Proficiency Levels below.)*

| Category  | Creativity   | Motivation   | Leadership   | Problem Solving / Academic Proficiency  |
|---|--|--|--|---|
| Descriptors   | Unusual presentation of an idea<br><br>Resourceful and/or clever use of materials<br><br>Demonstrates original thinking<br><br>Generates unique or innovative ideas to solve a problem | Persistent in pursuing/completing self-selected tasks<br><br>In-depth knowledge in one or more areas<br><br>Desire to learn/ attempt new tasks<br><br>Task commitment and perseverance in area of interest | Organizes tasks and people to achieve a common goal<br><br>Ability to communicate effectively<br><br>Ability to brainstorm<br><br>Enjoys decision making | Demonstrates ability to devise or adapt a systematic strategy for solving problems<br><br>Interest in solving real world or fictitious problems<br><br>Evidence of support or research for an idea<br><br>Work advanced beyond age or grade level |
| <b>Circle Portfolio Proficiency Level for each Category</b> | Proficiency Level:<br>1    2    3    4<br><br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                                      | Proficiency Level:<br>1    2    3    4<br><br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>  | Proficiency Level:<br>1    2    3    4<br><br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>        | Proficiency Level:<br>1    2    3    4<br><br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |

Portfolio Proficiency Levels

- (1) Average: some evidence of development of the attribute
- (2) Above Average: some evidence of the attribute beyond that expected at developmental level
- (3) Superior: numerous examples of the attribute beyond that expected at developmental level
- (4) Very Superior: numerous, diverse examples of the attribute beyond that expected at developmental level

**II. PROFICIENCY LEVELS**

*(Indicate Portfolio Proficiency Level for each Category)*

Creativity \_\_\_\_\_  
 Motivation \_\_\_\_\_  
 Leadership \_\_\_\_\_  
 Problem Solving/ Academic Proficiency \_\_\_\_\_

**III. TOTAL SCORE**

*(The total score is the sum of the Portfolio Proficiency Levels indicated in Section II. Proficiency Levels)*

Total Score \_\_\_\_\_

## Use of Physical Restraint for Students with Disabilities

- I. It is the policy of the School Board of Seminole County to implement behavioral management techniques, strategies and interventions for students to prevent and reduce significant disruptive behavior and to provide for the physical safety and security of students and staff when disruptive 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. The use of manual physical restraint shall only be used as a last resort, in emergency situations where aggressive and/or self-injurious behaviors present an immediate, significant, and imminent threat to the physical safety of the student and/or others. Prior to the use of restraint the school will implement school and/or classroom wide strategies: When, deemed appropriate based on the regular review of all restraint incidents at a school and/or classroom level, additional trainings will be provided in the use of alternate, trauma informed, approaches to responding to students exhibiting crisis behaviors (e.g., Ukeru). The use of manual physical restraint shall be in accordance with Board policy and District procedures.
- III. The use of mechanical physical restraint and/or manual physical restraints that restricts a student's breathing is prohibited.
- IV. The use of any physical restraint for students with disabilities must be reported in accordance with this policy and applicable state law and rules of the State Board of Education (DOE).
- V. Definition of a Student with a Disability – A student with a disability is any student with a qualifying condition/disability as defined by Individuals with Disabilities Education Act, IDEA, 20 U.S.C. § 1400 et. seq. or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. See 34 C.F.R. § 104.3(j) & 34 C.F.R. § 300.8. These students will either have an active Individual Education Plan, IEP, or 504 Plan.
- VI. Manual Physical Restraint – Manual physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.
- VII. Mechanical Restraint – Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:



1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
3. Restraints for medical immobilization; or
4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

F. Physical Escort – Physical escort is temporary touching, holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.

G. Physical restraint may only be implemented by trained, qualified school personnel.

VIII. Documentation and Reporting Each instance of manual physical restraint shall be documented and reported as required by statute.

#### IX. Monitoring and Analysis

A. The use of manual physical restraint seclusion shall be monitored at the classroom, school, and District levels.

B. The use of the behavior interventions, the appropriateness of use and the effectiveness of the interventions shall be monitored and analyzed.

VIII. Prohibitions School personnel shall not:

A. Use a mechanical restraint or a manual physical restraint that restricts a student's breathing.

B. Use manual physical restraint for periods of time greater than that which is required to assist the student in regaining control of his/her disruptive behavior.

#### X. Training

A. Teachers and paraprofessionals providing Exceptional Student Education services and supports within a self-contained behavioral unit, will receive training Professional Crisis Management and/or Ukeru, with an emphasis on preventative and de-escalation strategies.

- B. The District shall provide initial training for designated personnel in the use of manual physical restraint.
- C. Refresher training shall be conducted annually.
- D. Personnel who have been trained in manual physical restraint techniques in positions outside of the District shall receive training in District methods.

#### XI. Procedures

The Superintendent, in collaboration with the Executive Director of Student Support Services, 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. Identification of staff to be trained; and
- E. Training components.

## Use of Seclusion for Students with Disabilities

- I. It is the policy of the School Board of Seminole County to implement behavioral management techniques, strategies and interventions for students to prevent and reduce significant disruptive behavior and to provide for the physical safety and security of students and staff when disruptive 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. The use of seclusion shall only be used as a last resort, in emergency situations where continuous aggressive and/or self-injurious behaviors present an immediate, significant, and imminent threat to the physical safety of the student and/or others. Prior to the use of seclusion the school will implement school and/or classroom wide strategies: When, deemed appropriate based on the regular review of all seclusion incidents at a school and/or classroom level, additional trainings will be provided in the use of alternate, trauma informed, approaches to responding to students exhibiting crisis behaviors (e.g., Ukeru). The use of seclusion shall be in accordance with Board policy and District procedures.
- III. The use of seclusion for students with disabilities must be reported in accordance with this policy and applicable state law and rules of the State Board of Education (DOE).
- IV. A. Definition of a Student with a Disability – A student with a disability is any student with a qualifying condition/disability as defined by Individuals with Disabilities Education Act, IDEA, 20 U.S.C. § 1400 et. seq. or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. See 34 C.F.R. § 104.3(j) & 34 C.F.R. § 300.8. These students will either have an active Individual Education Plan, IEP, or 504 Plan.
- V. Seclusion – Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.
- VI. Documentation and Reporting Each instance of seclusion shall be documented and reported as required by statute.
- VII. Monitoring and Analysis
  - A. The use of seclusion shall be monitored at the classroom, school, and District levels.
  - B. The use of the behavior interventions, the appropriateness of use and the effectiveness of the interventions shall be monitored and analyzed.

B. The seclusion room must meet the rules of the State Fire Marshall.

C. The school district prohibits the use of seclusion for periods of time greater than that which is required to assist the student in regaining control of his/her disruptive behavior

IX. Training

A. The district shall provide initial training for designated personnel in the use of seclusion.

B. Refresher training shall be conducted annually.

X. Procedures The Superintendent in collaboration with the Executive Director of Student Support Services 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. Identification of staff to be trained; and

E. Training components.

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

## **Seminole County School District**



# District BPIE Indicator Rating Tally Sheet

**Date Completed:** 02/12/2020

**District :** Seminole

**District Contact/Title :** Dr. Michelle Walsh: Executive  
Director of Student Support Services

**FIN Facilitators:** Kimberly Riley

Elaine McCann

## **BPIE Team Members:**

Michelle Ferren: ESE Administrator Student Support Services

Amanda Todd: Transportation Services

Ashley Sanders: Program Specialist for Mental Health

Joyce Moore: Testing Coordinator Assessment and Accountability

Yvonne Ilasi: Parent

Tanya Shores: Director of ESE

Michael Pfeiffer: Principal of Hamilton Elementary

Christine Kukreit: IDEA Compliance Administrator

Sandra Chambers-Collins: FDLRS Manager

## ***Leadership and Decision Making***

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>   |
|---|------------------------------|--|
| <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> | Partially Almost             | <p>2019 LEA Profile:<br/>                     Sec 1 Grad rate: Federal Uniform- 86% and Standard Diploma- 95%<br/>                     Sec 2 Educational Environment: 5a-84%, 5b-10% and 5c-1%<br/>                     School Public Accountability Report<br/>                     Transportation provides individualized support to identify barriers and provide scaffolded supports<br/>                     Assessment and Accountability provides disaggregated reports</p> |
| <p>2. District data reflects that in each school there is alignment to the natural proportion of students with disabilities (SWDs) in the district.</p>   | Partially Almost             | <p>School Public Accountability Report<br/>                     2019 LEA Profile:<br/>                     14 % Disabled<br/>                     Some schools have a disproportion number of SWDs<br/>                     Low socioeconomic status in certain areas is a barrier that the district is trying to address</p>  |
| <p>3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.</p>                         | Partially Almost             | <p>School Public Accountability Report<br/>                     School Choice Department: Students have choice option plan (90% of students able to have school choice)<br/>                     Natural Barrier: feeder pattern for specific individualized needs</p>   |

## ***Leadership and Decision Making***

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|--|------------------------------|---|
|  |                              | <p>GOAL is for SWDs to stay in their own zone school</p> <p>Parents may not be aware of resources available</p>   |
| <p>4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.</p>   | <p>Partially Beginning</p>   | <p>2019 LEA Profile:<br/>                     Sec 2 Educational Environment: 5a-84%, 5b-10% and 5c-1%<br/>                     PREK in-class supports: 24%<br/>                     PREK out of class: 17%<br/>                     PREK separate class: 57%<br/>                     District position created for services to serve students out in the community at home or daycare for early intervention<br/>                     Blended PREK units</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>Fully</p>                 | <p>Allocations based on students’ grades, services, minutes, individualized by student per school</p> <p>FIN has facilitated Inclusive Scheduling to identify SWDs needs</p> <p>After school year has started support services are revisited and adjusted based on needs of students at each school</p> <p>Consistent monitoring and adjusting</p>  |



## ***Leadership and Decision Making***

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|--|------------------------------|---|
| <p>6. District has key personnel with expertise in inclusive best practices for all SWDs 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>District has key personnel for BPIE to support schools in:</p> <ul style="list-style-type: none"> <li>Monitoring</li> <li>Coordinate/Facilitate school BPPIE assessment</li> <li>Ongoing TA</li> <li>Communication of Plan for Inclusive Education</li> <li>Using the School BPIE to inform the district of needs</li> <li>School BPIE goals included in School Improvement Plans</li> <li>Monitor each school for inclusive practices for SWDs to increase inclusive opportunities</li> <li>Schools think of SWDs as gen ed students first</li> </ul> |
| <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 development (PD) 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 Almost</p>      | <p>District has key personnel who: coordinate, plan, schedule PD and monitor MTSS and PBIPs</p> <ul style="list-style-type: none"> <li>PD provided for behavior supports</li> <li>Variability among schools with MTSS implementation: elementary stronger</li> <li>implementation</li> <li>MTSS Academic implementation stronger</li> </ul>   |

## ***Leadership and Decision Making***

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|---|------------------------------|---|
|   |                              | than MTSS Behavior across the district.   |
| 8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.  | Partially Almost             | 2019 LEA Profile:<br>Sec 2 Educational Environment Page 6<br>&lt;1%<br>Sub category of Black students higher rate   |
| 9. District policies and student transportation schedules indicate all SWDs 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 SWDs who have an individualized education program (IEP) indicating a shortened school day. | Fully                        | Transportation schedules<br>Documented on the IEP   |
| 10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.   | Partially Almost             | District provides guidance, supports, structures, technical assistance and protocols for transition<br>Decisions are based on Individual student need rather than label<br>Growing with supporting transition meetings from elementary to middle and middle to high school<br>Transportation reaches out to schools with list of SWDs that need transportation when |

***Leadership and Decision Making***

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>   |
|--|------------------------------|--|
|  |                              | transitioning from ES to MS and MS to HS   |
| 11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position. | Partially Beginning          | Not all schools are asking questions about inclusive practices<br>Site based administrative decision about questions being asked during the interview<br>Depends upon the position that is being hired |

## *Instruction and Student Achievement*

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>   |
|--|------------------------------|--|
| 12. District data reflect that SWDs 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 Almost             | 2019 LEA Profile:<br>Sec 2 Educational Environment: 5a-84%, 5b-10% and 5c-1%, Indicator 6- 24%<br>In regard transportation: no segregation of students<br>SLP provide services in the GE setting<br>Itinerant services such as OT, PT and Adaptive PE are separate |
| 13. District and school leaders receive ongoing and current information and PD about best practices for inclusive education for all SWDs.  | Partially Almost             | SPP Indicator 3:<br>Participation ELA: 95.11%<br>Participation Math: 95.92%<br>Proficient ELA: 24.84%<br>Proficient Math: 30.15%<br>Quarterly PLCs with administrators<br>Quarterly PLCs ESE teachers<br>Inclusion data included in SIP                            |
| 14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.                          | Partially Beginning          | Embedding social-emotional and access standards need amplification<br>GE teachers know accommodations but are not yet embedding instruction that would help learners meet the goals on the IEP   |

## *Instruction and Student Achievement*

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>   |
|--|------------------------------|--|
| <p>15. District provides ongoing PD 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 SWDs in general education contexts, regardless of the type or severity of their disability.</p> | <p>Partially Almost</p>      | <p>Formally- working with FIN to provide inclusive scheduling<br/>                     Informally -the district is requiring components of Inclusive Scheduling when schools want additional allocations<br/>                     PD regarding scheduling from Skyward<br/>                     At the secondary level, schedulers meet with ESE Director to know how to schedule;<br/>                     a growing edge is scheduling at the elementary level<br/>                     If a school reaches out to the district, the district provides the PD or TA</p>                      |
| <p>16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional <i>and</i> behavioral interventions for all SWDs in general education and natural contexts.</p>  | <p>Partially Almost</p>      | <p>PD and TA on MTSS is provided<br/>                     Weekly data chats and analysis occur<br/>                     Data available from BIPS and comparisons of student performances receiving various levels of ESE support<br/>                     3 years of data identify which learners are not making academic gains which relates to the lack of effectiveness<br/>                     Looking at creating a universal data sheet<br/>                     From a parent: they want to have an awareness of data and tools used to evaluate effectiveness of instruction that</p> |

## *Instruction and Student Achievement*

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|---|------------------------------|---|
|   |                              | helps students meet their goals   |
| 17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on all Florida Standards.   | Partially Almost             | <p>Assessment and Accountability work with teachers through PLCs</p> <p>ESE personnel that support SWDS in GE context attend PLCs to discuss assessments</p> <p>The district collaborates with FIN for PD and TA in Collaborative Teaching, UDL, Content Enhancement, and Inclusive Scheduling</p> <p>The ESE department works with Assessment and Accountability to get the data needed</p> <p>PD for FSAA and its congruence to FSA is a growing edge</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 SWDs for meaningful learning, participation and communication in general education and natural contexts. | Fully                        | <p>District provides resources and support to assess need for AT and AAC devices</p> <p>Additional personnel to provide those supports would be an improvement</p> <p>Low tech tools are widely employed through various trials and may include a more formal process to bring in more high tech AT as needed</p> <p>Partnership with agencies to support</p>   |

## *Instruction and Student Achievement*

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|---|------------------------------|---|
|   |                              | students with visual, hearing, and other impairments to tailor needed AT supports   |
| 19. District provides job-embedded, collaborative PD 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.  | Partially Almost             | The district is proactive in providing support for the integration of AT in all school contexts<br>Improvement can be in providing PD and TA to families in their native language and providing the PD and TA in the home context   |
| 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. | Partially Almost             | Richer discussions are occurring regarding students in a separate class and looking for opportunities in GE context<br>An interpreter is provided for SWDs that have a hearing impairment<br>A district person provides supports for students who have visual impairments |
| 21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.   | Partially Almost             | The district provides supports for SWDs to participate in school and district activities<br>Some schools require a parent to escort their own child due to behavior, medical supports, etc.   |

## *Instruction and Student Achievement*

| <b>Indicator</b>   | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|--|------------------------------|---|
|  |                              | For out of country trips for students who need Diastat need further considerations  |
| 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. | Partially Almost             | The District provides: Restorative Practices, kindness clubs, unified supports, best buddies, and other wrap around services (in which agencies collaborate)<br>Peers as Partners in Learning Program<br>Improvement can occur in including more independence of SWDS in clubs activities |
| 23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.  | Partially Almost             | SWDs are honored as their peers in middle and high school<br>Need amplification of SWDs receiving awards and honors in activities such as sports or for students who may be in a GE class for partial time  |



## ***Communication and Collaboration***

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|---|------------------------------|---|
| 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 Almost             | <p>There has been much improvement in the use of PFL in written and verbal communication in some circles</p> <p>Improvement can be made by increasing efforts with all personnel regarding written and verbal communication</p> <p>Bookmarks and posters have been distributed to schools and teachers</p> <p>Transportation: identifies by name first and then needs</p> |
| 25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.   | Partially Almost             | <p>School websites are reviewed for ADA compliance but could grow regarding use of PFL</p> <p>Yearbooks are using more friendly language/labeling such as multi-grade class rather than ESE class</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. | Partially Almost             | <p>SPP indicator 8 (Parent survey)</p> <p>Preschool: 78.3%</p> <p>K-12: 74.7%</p> <p>More resources are provided to Title 1 Schools</p> <p>A growing edge can occur on helping parents know how they can support their</p>  |

***Communication and Collaboration***

| Indicator  | Implementation Status                  | Data Sources/ Supporting Evidence  |
|--|--|--|
|  |  | <p>children at home<br/>                     Parent nights for informational sessions<br/>                     The district is embarking on micro PDs that help parents understand mental health, homework, academic, etc supports<br/>                     The district is creating and developing a parent resource library<br/>                     FDLRS parent resource staff member has worked with parents on standardized testing, DOE resources, etc.</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 SWDs in inclusive classrooms and natural contexts.</p> | <p align="center">Partially Almost</p> | <p>The district communicates with the parent through Student Study Team<br/>                     Parents can access IEPs through Skyward<br/>                     More resources need to be available for students with low incidence and with GE teachers<br/>                     Cultural sensitivity, strategies to support the child, etc. are available through the Learning Catalog<br/>                     FDLRS supported teachers in learning the Facilitated IEP which emphasizes parent involvement</p> |

## *Communication and Collaboration*

| <b>Indicator</b>  | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>   |
|---|------------------------------|--|
| 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.   | Partially Almost             | <p>Parents receive a survey from the district and school</p> <p>Title 1 schools have additional opportunities such as SAC to involve family members in the decision-making process</p> <p>Parents would like more communication/visuals regarding opportunities</p>  |
| 29. District disseminates information to all families in the same manner and at the same time.  | Fully                        | <p>All families receive calls, newsletters, social media, report cards, etc. at the same time</p> <p>Information specific to a SWD gets that information in a timely/appropriate manner</p>  |
| 30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities. | Partially Almost             | <p>SPP Indicator 14 (Post school outcomes)</p> <p>Higher Education: 41.89%</p> <p>Higher Ed or competitively employed: 63.24%</p> <p>Higher Ed, training program or comp. employed: 69.82</p> <p>SCPS has a great relationship with Valencia State College and UCF</p> <p>SCPS lacks buy-in with Seminole State College regarding students with cognitive disabilities</p> |

***Communication and Collaboration***

| <b>Indicator</b> | <b>Implementation Status</b> | <b>Data Sources/ Supporting Evidence</b>  |
|------------------|------------------------------|---|
|                  |                              | SCPS does not have a career and tech schools; they do have career and tech programs in the high schools<br>Partnership with Project 10<br>Summer internships for SWDs with local businesses |

## Priority Indicators Selected by District:

- 4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.
- 16. District provides PD 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 SWDs in general education and natural contexts.
- 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.
- 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.

**Seminole County District BPIE**

| Leadership and Decision-making | Instruction and Student Achievement | Communication and Collaboration |
|--------------------------------|-------------------------------------|---------------------------------|
| 1 PA                           | 12 PA                               | 24 PA                           |
| 2 PA                           | 13 PA                               | 25 PA                           |
| 3 PA                           | 14 PB                               | 26 PA                           |
| 4 PB                           | 15 PA                               | 27 PA                           |
| 5 F                            | 16 PA                               | 28 PA                           |
| 6 PA                           | 17 PA                               | 29 F                            |
| 7 PA                           | 18 F                                | 30 PA                           |
| 8 PA                           | 19 PA                               | F- FULLY                        |
| 9 F                            | 20 PA                               | PA - PARTIALLY ALMOST Beginning |
| 10 PA                          | 21 PA                               | NY- NOT YET                     |
| 11 PB                          | 22 PA                               |                                 |
|                                | 23 PA                               |                                 |

2/12/2020

**Additional comments or notes:**

PFL: PSA; new teacher training; beginning year PD

Job interviews get a committee to work with appropriate personnel to communicate best practices; FIN can forward a bank of interview questions



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

District: Seminole County

Date: 3/11/2020

**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(1)(a), Florida Statutes (F.S.; <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 Florida Statute 1003.57(1)(f): "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 (BEESS) Strategic Plan 2018-2023 goal is to increase regular class placement of students with disabilities to  $\geq 85\%$ , decrease separate class placement of students with disabilities to  $\leq 6\%$ , and decrease other separate environment placement of students with disabilities to  $\leq 1\%$ , 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

### District Contact Information:

Executive Director of Student Support Services: Dr. Michelle Walsh;

[Michelle\\_Walsh@scps.k12.fl.us](mailto:Michelle_Walsh@scps.k12.fl.us)

Director of Exceptional Student Education: Tanya Shores;

[tanya\\_shores@scps.k12.fl.us](mailto:tanya_shores@scps.k12.fl.us)

### Team Members/Titles:

Dr. Michelle Walsh, Executive Director, Student Support Services

Dr. Tanya Shores, Director of Exceptional Student Education

Ashley Sanders, Coordinator of Mental Health Services

Juliene McDonald, Administrator for Student Support Services

Felicia Naidu, Administrator for Student Support Services

Christine Kirkreit, IDEA Compliance Administrator

Gianna Gallant, Compliance Coordinator

Sheri Fanelli, Compliance Coordinator

Jennifer Johnson, Program Specialist School Psychology

Michelle Ferren, Administrator for Student Support Services

### District BPIE Self-Assessment and Plan for Inclusive Education review dates:

- Best Practices for Inclusive Education (BPIE)  
Self-Assessment Date: 2/12/2020

| Leadership and Decision-making | Instruction and Student Achievement | Communication and Collaboration |
|--------------------------------|-------------------------------------|---------------------------------|
| 1. PA                          | 12. PA                              | 24. PA                          |
| 2. PA                          | 13. PA                              | 25. PA                          |
| 3. PA                          | 14. PB                              | 26. PA                          |
| 4. PB                          | 15. PA                              | 27. PA                          |
| 5. F                           | 16. PA                              | 28. PA                          |
| 6. PA                          | 17. PA                              | 29. F                           |
| 7. PA                          | 18. F                               | 30. PA                          |
| 8. PA                          | 19. PA                              |                                 |
| 9. F                           | 20. PA                              |                                 |
| 10. PA                         | 21. PA                              |                                 |
| 11. PB                         | 22. PA                              |                                 |
|                                | 23. PA                              |                                 |

**Legend:**  
 F - FULLY  
 PA/PB - PARTIALLY ALMOST Beginning  
 NY - NOT YET

2/12/2020

- District BPIE Priority Indicators:** 4, 16, 24, 26
- Scheduled/future Plan for Inclusive Education Review Dates: **October 19, 2020 @10:00 am; room 223**

### Top 5 School BPIE Priority Indicators (based on date span):

7/1/2018-3/2/2020: (73 Schools reported)

- #9: 31 schools
- #15: 22 schools
- #26: 22 schools



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

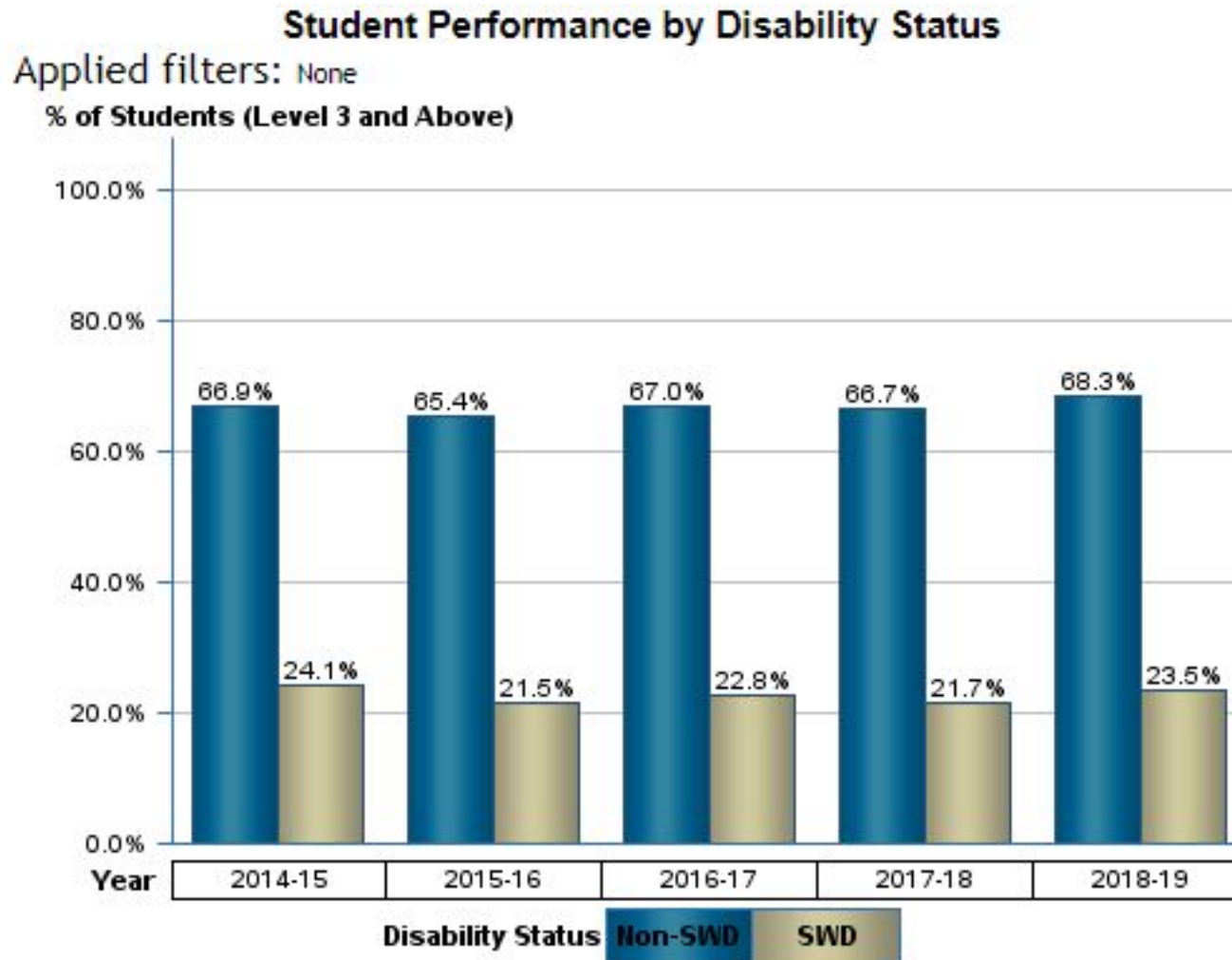
|   |  |  | 4. #28: 19 schools<br>5. #18 & 27: 18 schools |   |
|---|--|--|---|---|
| LEA Profile/<br>State Strategic Plan Indicators   | Current District<br>Data and Source  | State<br>Targets   | District<br>Targets                           | District-Specific Data:<br>Other current and specific data to<br>support the need for improvement: <i>BPIE</i><br>self-assessment data and ratings, school<br>data, climate surveys, focus group results,<br>etc. |
| 2019 LEA Profile<br>PK-12 Population: 68,289<br>14% SWDs: PreK: 752 + K-12: 8,987 = 9,739<br>(increase of 232 SWDs from 2018 LEA Profile) |  |  |   |   |
| <b>Indicator 5a/Regular class placement:</b>  | 2019 LEA Profile: 84%<br>(7577 SWDs)<br><br><b>Final Survey 2 2019<br/>Data:</b> 84.39% (7752<br>SWDs) | 2018-19: ≥ <b>85%</b><br>2019-20: ≥ <b>85%</b><br>2020-21: ≥ <b>85%</b><br>2021-22: ≥ <b>85%</b> | 2018-19:<br>2019-20:<br>2020-21:<br>2021-22:  | <b>1% increase from 2017-2018</b><br>Target of 85%= movement of 62 SWDs   |
| <b>Resource Room Placement:</b>   | 2019 LEA Profile: 5%:<br>(435 SWDs)<br><br><b>Final Survey 2 2019<br/>Data:</b> 4.18% (384<br>SWDs)    |  |   | <b>Maintained from 2017-2018</b><br>Target of 4%= movement of 76 SWDs<br>Target of 3%= movement of 165 SWDs   |
| <b>Indicator 5b/Separate class placement:</b>   | 2019 LEA Profile: 10%<br>(883 SWDs)<br><br><b>Final Survey 2 2019<br/>Data:</b> 10.47%<br>(962 SWDs)   | 2018-19: ≤ <b>6%</b><br>2019-20: ≤ <b>6%</b><br>2020-21: ≤ <b>6%</b><br>2021-22: ≤ <b>6%</b>     | 2018-19:<br>2019-20:<br>2020-21:<br>2021-22:  | <b>Maintained from 2017-2018</b><br>Target of 9%= movement of 74 SWDs<br>Target of 8%= movement of 164 SWDs<br>Target of 7%= movement of 254 SWDs   |
| <b>Indicator 5c/Other separate environment:</b>   | 2019 LEA Profile: 1%<br>(92 SWDs)<br><br><b>Final Survey 2 2019<br/>Data:</b> 0.96%<br>(88 SWDs)       | 2018-19: ≤ <b>1%</b><br>2019-20: ≤ <b>1%</b><br>2020-21: ≤ <b>1%</b><br>2021-22: ≤ <b>1%</b>     | 2018-19:<br>2019-20:<br>2020-21:<br>2021-22:  | <b>Maintained from 2017-2018;<br/>Meeting state target</b>  |
| <b>Graduation Rate for SWDs:<br/>Federal Uniform Graduation Rate</b>  | 2019 LEA Profile<br>2017-2018: 86%   | 2018 State Average:<br>77%   |   | <b>13% increase from 2016-2017</b>  |
| <b>Graduation Rate for SWDs:<br/>Standard Diploma Graduation Rate</b>   | 2019 LEA Profile<br>2017-2018: 95%   | 2018 State Average:<br>80%   |   | <b>10% increase from 2016-2017</b>  |

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

|   |  |  |  |  |
|---|--|--|--|--|
| Regular Early Childhood Program or Kindergarten receiving services inside the classroom                               | 2019 LEA Profile<br>2018-2019: 24%<br>(216 SWDs)   | 2017 State Average:<br>39%   |  | <b>5% decrease from 2017-2018</b>  |
| Regular Early Childhood Program or Kindergarten receiving services outside the classroom                              | 2019 LEA Profile<br>2018-2019: 17%<br>(127 SWDs)   | 2017 State Average:<br>11%   |  | <b>8% increase from 2017-2018</b>  |
| Regular Early Childhood Program or Kindergarten separate class placement  | 2019 LEA Profile<br>2018-2019: 57%<br>(426 SWDs)   | 2017 State Average:<br>47%   |  | <b>1% increase from 2017-2018</b>  |
| <b>LEA Profile/<br/>State Strategic Plan Indicators</b>   | <b>Current<br/>District<br/>Data and Source</b>  | <b>State<br/>Targets</b>   | <b>District<br/>Targets</b>                  | <b>District-Specific Data:<br/>Other current and specific data to<br/>support the need for improvement: BPIE<br/>self-assessment data and ratings, school<br/>data, climate surveys, focus group results,<br/>etc.</b>   |
| <b>Indicator 3c/Reading:</b><br><br><i>See District ELA Proficiency Performance by Disability Status graph below.</i> | 2018-2019 Ed Stats:<br>23.5% of SWDs<br>performed at level 3<br>or above on FSA ELA            | 2018-19: $\geq$ <b>66%</b><br>2019-20: $\geq$ <b>66.5%</b><br>2020-21: $\geq$ <b>67%</b><br>2021-22: $\geq$ <b>67.5%</b> | 2018-19:<br>2019-20:<br>2020-21:<br>2021-22  | <b>1.8% increase from 2017-2018</b><br><br>Gap of 44.8% in proficiency for SWDs<br>compared to peers w/o disabilities<br><br>Links for data:<br>Ed Stats: <a href="https://edstats.fldoe.org">https://edstats.fldoe.org</a> <ul style="list-style-type: none"> <li>● PK-12</li> <li>● Assessments: ELA and Math</li> <li>● Filter by district</li> </ul> |
| <b>Indicator 3c/Math:</b><br><br><i>See District Math Proficiency Performance by Disability Status graph below.</i>   | 2018-2019 Ed Stats:<br>29.1% of SWDs<br>performed at level 3<br>or above on FSA Math<br>or EOC | 2018-19: $\geq$ <b>66%</b><br>2019-20: $\geq$ <b>66.5%</b><br>2020-21: $\geq$ <b>67%</b><br>2021-22: $\geq$ <b>67.5%</b> | 2018-19:<br>2019-20:<br>2020-21:<br>2021-22: | <b>1.3% increase from 2017-2018</b><br><br>Gap of 40.5% in proficiency for SWDs<br>compared to peers w/o disabilities  |

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

## *District ELA Proficiency Performance by Disability Status*



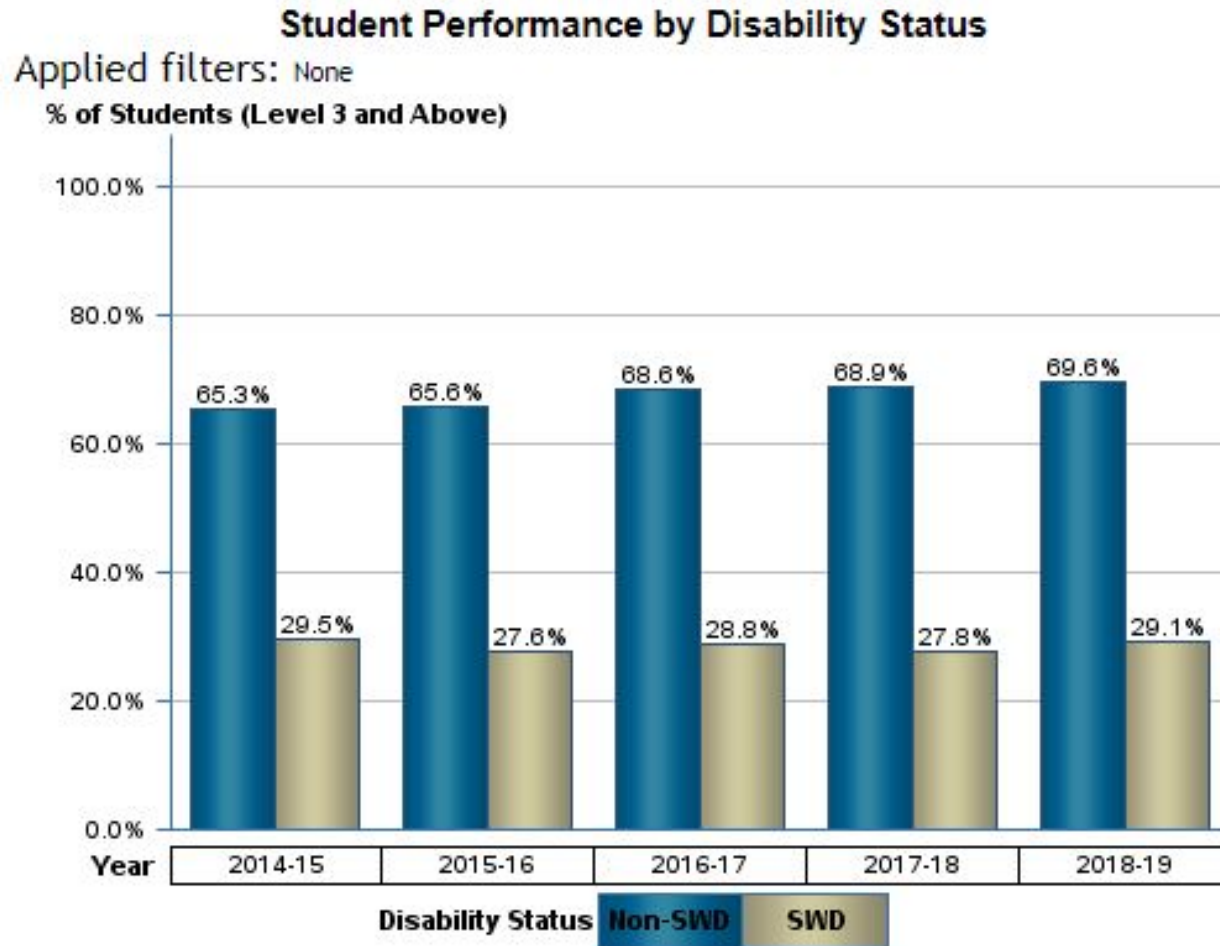
# Plan for Inclusive Education: Short and Long-Term Improvement Efforts

## Seminole County 2018-2019: FSA English Language Arts (ELA)

| Year              | 2017-18       | 2017-18       | 2017-18                           | 2017-18                           | 2017-18                           | 2017-18                           | 2018-19       | 2018-19       | 2018-19                           | 2018-19                           | 2018-19                           | 2018-19                           |
|-------------------|---------------|---------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------|---------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|                   | # of Students | # of Students | # of Students (Level 3 and Above) | # of Students (Level 3 and Above) | % of Students (Level 3 and Above) | % of Students (Level 3 and Above) | # of Students | # of Students | # of Students (Level 3 and Above) | # of Students (Level 3 and Above) | % of Students (Level 3 and Above) | % of Students (Level 3 and Above) |
| Disability Status | Non-SWD       | SWD           | Non-SWD                           | SWD                               | Non-SWD                           | SWD                               | Non-SWD       | SWD           | Non-SWD                           | SWD                               | Non-SWD                           | SWD                               |
| Grade Level       |               |               |                                   |                                   |                                   |                                   |               |               |                                   |                                   |                                   |                                   |
| 03-Third          | 4,233         | 874           | 3,057                             | 268                               | 72.2%                             | 30.7%                             | 4,079         | 833           | 3,003                             | 295                               | 73.6%                             | 35.4%                             |
| 04-Fourth         | 4,251         | 830           | 2,986                             | 220                               | 70.2%                             | 26.5%                             | 4,124         | 763           | 2,986                             | 204                               | 72.4%                             | 26.7%                             |
| 05-Fifth          | 4,260         | 652           | 2,935                             | 154                               | 68.9%                             | 23.6%                             | 4,259         | 863           | 3,077                             | 222                               | 72.2%                             | 25.7%                             |
| 06-Sixth          | 4,404         | 791           | 2,787                             | 127                               | 63.3%                             | 16.1%                             | 4,306         | 649           | 2,836                             | 119                               | 65.9%                             | 18.3%                             |
| 07-Seventh        | 4,310         | 604           | 2,660                             | 88                                | 61.7%                             | 14.6%                             | 4,432         | 759           | 2,906                             | 128                               | 65.6%                             | 16.9%                             |
| 08-Eighth         | 4,511         | 590           | 3,117                             | 106                               | 69.1%                             | 18.0%                             | 4,363         | 592           | 2,905                             | 111                               | 66.6%                             | 18.8%                             |
| 09-Ninth          | 4,703         | 540           | 3,008                             | 111                               | 64.0%                             | 20.6%                             | 4,675         | 572           | 3,079                             | 102                               | 65.9%                             | 17.8%                             |
| 10-Tenth          | 4,513         | 487           | 2,917                             | 92                                | 64.6%                             | 18.9%                             | 4,585         | 492           | 3,003                             | 116                               | 65.5%                             | 23.6%                             |

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

## *District Math FSA and EOC Proficiency Performance by Disability Status*



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

| <b>Seminole County: 2018-2019 Combined Mathematics (FSA Mathematics and FSA EOCs)</b> |                   |               |               |                                   |                                   |                                   |                                   |               |               |                                   |                                   |                                   |                                   |
|---|-------------------|---------------|---------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------|---------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|   | Year              | 2017-18       | 2017-18       | 2017-18                           | 2017-18                           | 2017-18                           | 2017-18                           | 2018-19       | 2018-19       | 2018-19                           | 2018-19                           | 2018-19                           | 2018-19                           |
|   |                   | # of Students | # of Students | # of Students (Level 3 and Above) | # of Students (Level 3 and Above) | % of Students (Level 3 and Above) | % of Students (Level 3 and Above) | # of Students | # of Students | # of Students (Level 3 and Above) | # of Students (Level 3 and Above) | % of Students (Level 3 and Above) | % of Students (Level 3 and Above) |
|   | Disability Status | Non-SWD       | SWD           | Non-SWD                           | SWD                               | Non-SWD                           | SWD                               | Non-SWD       | SWD           | Non-SWD                           | SWD                               | Non-SWD                           | SWD                               |
| Grade Groups  | Grade Level       |               |               |                                   |                                   |                                   |                                   |               |               |                                   |                                   |                                   |                                   |
| Grades 03-05  | 03-Third          | 4,248         | 877           | 3,209                             | 312                               | 75.5%                             | 35.6%                             | 4,071         | 835           | 3,123                             | 359                               | 76.7%                             | 43.0%                             |
| Grades 03-05  | 04-Fourth         | 4,269         | 831           | 3,184                             | 316                               | 74.6%                             | 38.0%                             | 4,127         | 765           | 3,217                             | 302                               | 78.0%                             | 39.5%                             |
| Grades 03-05  | 05-Fifth          | 4,271         | 653           | 3,028                             | 198                               | 70.9%                             | 30.3%                             | 4,253         | 864           | 3,044                             | 267                               | 71.6%                             | 30.9%                             |
| Subtotal: Grades 03-05  |                   | 12,788        | 2,361         | 9,421                             | 826                               | 73.7%                             | 35.0%                             | 12,451        | 2,464         | 9,384                             | 928                               | 75.4%                             | 37.7%                             |
| Grades 06-08  | 06-Sixth          | 4,413         | 801           | 2,945                             | 142                               | 66.7%                             | 17.7%                             | 4,300         | 647           | 3,079                             | 161                               | 71.6%                             | 24.9%                             |
| Grades 06-08  | 07-Seventh        | 4,337         | 600           | 3,122                             | 147                               | 72.0%                             | 24.5%                             | 4,443         | 759           | 3,227                             | 175                               | 72.6%                             | 23.1%                             |
| Grades 06-08  | 08-Eighth         | 4,525         | 581           | 3,346                             | 155                               | 73.9%                             | 26.7%                             | 4,364         | 597           | 3,004                             | 150                               | 68.8%                             | 25.1%                             |
| Subtotal: Grades 06-08  |                   | 13,275        | 1,982         | 9,413                             | 444                               | 70.9%                             | 22.4%                             | 13,107        | 2,003         | 9,310                             | 486                               | 71.0%                             | 24.3%                             |
| Grades 09-12  | 09-Ninth          | 3,829         | 479           | 2,448                             | 118                               | 63.9%                             | 24.6%                             | 3,794         | 573           | 2,443                             | 114                               | 64.4%                             | 19.9%                             |
| Grades 09-12  | 10-Tenth          | 2,129         | 266           | 1,076                             | 59                                | 50.5%                             | 22.2%                             | 2,213         | 303           | 1,118                             | 72                                | 50.5%                             | 23.8%                             |
| Grades 09-12  | 11-Eleventh       | 670           | 178           | 209                               | 21                                | 31.2%                             | 11.8%                             | 589           | 191           | 165                               | 18                                | 28.0%                             | 9.4%                              |
| Grades 09-12  | 12-Twelfth        | 187           | 26            | 93                                | **                                | 49.7%                             | 7.7%                              | 153           | 25            | 69                                | **                                | 45.1%                             | 8.0%                              |
| Subtotal: Grades 09-12  |                   | 6,815         | 949           | 3,826                             | 200                               | 56.1%                             | 21.1%                             | 6,749         | 1,092         | 3,795                             | 206                               | 56.2%                             | 18.9%                             |
| Total   |                   | 32,878        | 5,292         | 22,660                            | 1,470                             | 68.9%                             | 27.8%                             | 32,307        | 5,559         | 22,489                            | 1,620                             | 69.6%                             | 29.1%                             |

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

#4 - District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities. (Rating: PB)

# 16 - District provides PD 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 SWDs in general education and natural contexts. (Rating: PA)

**State Strategic Plan Indicator(s): (please mark)**

- Indicator 5a Regular Class
- Indicator 5b Separate Class
- Indicator 5c Other Separate Environment
- Indicator 3c/Reading Proficiency
- Indicator 3c/Math Proficiency
- Other:

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

# 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. (Rating: PA)

# 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. (Rating: PA)

**SMART Goal 1: By June 2022, the district will decrease separate class placement from 10% to 9% (approximately 74 SWDs needing more inclusive opportunities) as measured by 2021-2022 Survey 2 LRE data.**

| Goal 1<br>Action Steps:   | By Whom:<br>(FIN, District,<br>Other<br>Collaborative<br>Partner) | By When:<br>(Deadline for<br>Completion–<br>Month/Year) | By What:<br>(Provide evidence<br>that will<br>demonstrate<br>completion of<br>Action Step.) | Follow-up:<br>(Measurable and aligned with each<br>action step)                     | Status:<br>(Completed,<br>in-progress,<br>revised,<br>additional<br>goal/action<br>step) |
|---|---|---|---|---|--|
| 1. FIN/FDLRS will support the district during the Power of You June 2020 to provide professional learning for general educators and exceptional educators.<br>a. Growth Mindset<br>b. Universal Design for Learning | FIN & FDLRS   | July 2020   | attendance, sign in sheets, technical assistance and participant resources                  | Coaching and feedback cycle upon request from school leadership and/or participants |  |
| 2. FIN will provide support for Access Points instruction in the general education setting.<br>a. PLC for planning with requested teams<br>b. Guidance for grading for Access Points                                | FIN, Access Project & District staff                              | June 2022   | Professional learning dates, planning notes, presentations                                  | Collaboration with PLC Teams<br>Coaching and Feedback cycle upon request            |  |

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

|   |  |                      |   |   |  |
|---|--|----------------------|---|---|--|
| <p>3. FIN will provide guidance and support to the district for Inclusive scheduling:</p> <ul style="list-style-type: none"> <li>a. Identify school administrators and select district/ instructional staff to utilize the inclusive scheduling process SY 20-21:</li> <li>b. Build consensus and obtain a commitment from administrator on inclusionary practices during a pre-meeting about inclusive scheduling</li> </ul> | <p>FIN &amp; District staff</p>        | <p>December 2020</p> | <p>Calendar invites, Inclusive Scheduling checklist notes</p> | <p>Dates scheduled for Inclusive Scheduling once commitment is gained</p>   |  |
| <ul style="list-style-type: none"> <li>a. FIN will provide guidance and support to the district for Inclusive scheduling: <ul style="list-style-type: none"> <li>i. Identify school administrators and select district/ instructional staff to utilize the inclusive scheduling process SY 20-21:</li> <li>ii. Build consensus and obtain a commitment</li> </ul> </li> </ul>   | <p>FIN, FDLRS &amp; District staff</p> | <p>June 2021</p>     | <p>Meeting notes, attendance at professional learning</p>     | <p>Recommended professional learning based on needs assessment, PLC meetings to support planning and implementation</p> |  |



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

|  |     |           |               |  |  |
|--|-----|-----------|---------------|--|--|
| from administrator on inclusionary practices during a pre-meeting about inclusive scheduling   |     |           |               |  |  |
| 5. Provide resources for Person First Language to disseminate to schools, teachers and families upon request: <ul style="list-style-type: none"> <li>a. PFL Bookmarks</li> <li>b. PFL posters</li> <li>c. PFL article</li> </ul> | FIN | June 2021 | PFL resources | Schools can request Growth Mindset professional learning |  |

**Notes/Comments:**

[Top 5 School BPIE Priority Indicators \(based on date span\):](#)

7/1/2018 – 3/2/2020:

- Top Priority 1:
  - #9- Administrators communicate expectations for all personnel to use person first language.
- Top Priority 2:
  - #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 SWDs.
- Top Priority 3:
  - #26- All paraprofessionals have received PD that includes clear descriptions of their work responsibilities and strategies for providing support to SWDs in general education classrooms and natural contexts.
- Top Priority 4:
  - #28- General and special education teachers regularly plan instruction together.
- Top Priority 5:
  - #27- All special education teachers are full, collaborative members of a general education curriculum team.
  - #18- Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

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

The district has partnered with the Florida Inclusion Network for the Peers as Partners In Learning course for middle school. The school year 2019-2020 is the first year the middle school course code can be used.

Cultural sensitivity, strategies to support the child, etc. are available through the Learning Catalog.

### Suggested offerings:

#### Building Blocks for Mathematics Instruction

Curriculum and Instructional Practices FDLRS

**Target Audience:** Grades K-5 General Education and Exceptional Student Education teachers and coaches responsible for mathematics instruction

**Course Objective:** Participants will gain a deep understanding of the Strands of Mathematical Proficiency and the Standards for Student Mathematical Practice and will be able to incorporate their principles in the planning and delivery of mathematics instruction.

**Course Description:** This one-day course will provide:

- An in-depth examination of the five Strands of Mathematical Proficiency (productive disposition, conceptual understanding, procedural fluency, adaptive reasoning, and strategic competence) and how they impact instruction design and delivery
- An understanding of the eight Standards for Student Mathematical Practice, their impact on learning, and how they may be incorporated in the classroom
- Collaboration time to review and refine lesson plans, incorporating appropriate strands and practices to maximize student learning

**Course Requirements:** Participants must bring at least one current or upcoming lesson plan to the session. This may be digital or printed.

**Implementation Activity:** Participants will be required to submit an original (“pre”) and revised (“post”) lesson plan highlighting the inclusion of appropriate strands and practices to maximize student learning *prior to* receiving **12** inservice points.

**Follow Up Method:** Email communication and coaching are available, as well as on-site support (per participant request).

If you have any questions related to this course, please contact [jane.hines@fdlrsaction.org](mailto:jane.hines@fdlrsaction.org) or [pamela.taylor@fdlrsaction.org](mailto:pamela.taylor@fdlrsaction.org)

### Suggested offerings:

**Strategic Instruction Model (SIM):** Florida’s recommended curriculum for Learning Strategies classes that align with the 14 standards that were written with the research from KU-CRL. Implementation with fidelity results in statistical and social gains for students with and without disabilities. This is one of the few interventions that targets secondary learners by addressing gaps that some students have in their ability to acquire, store, and demonstrate knowledge. SIM is designed to be explicit and scaffolded enough for a student who has had learning gaps over the years. Tutoring and quick-fix strategies are not powerful enough and are a short term fix to a long term problem. SIM is about creating long term, independent learners. Students should receive these strategies over time; therefore, feeder patterns for students enrolled should align so there is a systematic plan for helping learners become independent and require less supports and services. Schools who have used SIM have reduced the waiver rate and increased graduation rate for students with disabilities. In fact, students with

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

disabilities have made higher learning gains than their peers that are not disabled but may have learning struggles. SIM is recognized in What Works Clearinghouse as an effective intervention.

Purpose of Learning Strategies - to teach learners in a systematic way strategies that allow learners to become effective, efficient, independent learners.

### Notes from previous, (May 2019) PIE:

The district is looking to increase opportunities for blended VPK and is partnering with FDLRS. (Update 3/2020: barriers out of the control of the ESE Department. The team will continue to problem solve).

School Psychologists are creating a profile for individual students and providing “best practice” lists to teachers working with students to drive instruction and make learning gains. Area administrators have identified students who are on the cusp of meeting proficiency and/or who have made substantial learning gains. (Update 3/2020: the district is seeing a positive influence on IEPs, instructional practices, etc. The district could capitalize on Florida vs Seminole Data: <https://docs.google.com/presentation/d/11ySPGuA1xPdoOo6w5-WgPKwUnUhZbwcr/edit#slide=id.p1> )

Pre-K programs: An increase in separate services exist; however, learners moving to kindergarten are placed in the general education context. Blended programs exist, but do not typically show up due to coding. FDLRS Child Find Specialist supports SCPS.

Peers support in specially designed PE is being introduced as a means of support for secondary schools.

### District BPIE Priority Indicator(s):

#4 - District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities. (Rating: PB)

# 16 - District provides PD 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 SWDs in general education and natural contexts. (Rating: PA)

### State Strategic Plan Indicator(s): (please mark)

- Indicator 5a Regular Class
- Indicator 5b Separate Class
- Indicator 5c Other Separate Environment
- Indicator 3c/Reading Proficiency
- Indicator 3c/Math Proficiency
- Other:

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

# 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. (Rating: PA)

**SMART Goal 2: By June 2021, all middle and high schools utilizing the Peers as Partners in Learning course code will implement with consistency and fidelity to increase inclusive opportunities for at least 2 SWDs in a separate class per school as measured by student schedules.**

| Goal 2<br>Action Steps:   | By Whom:<br>(FIN, District,<br>Other<br>Collaborative<br>Partner) | By When:<br>(Deadline for<br>Completion-<br>Month/Year) | By What:<br>(Provide evidence<br>that will<br>demonstrate<br>completion of<br>Action Step.) | Follow-up:<br>(Measurable and aligned with each<br>action step)   | Status:<br>(Completed,<br>in-progress,<br>revised,<br>additional<br>goal/action<br>step) |
|---|---|---|---|---|--|
| 1. Obtain a commitment from the leadership team at school sites utilizing peer supports each school year. <ul style="list-style-type: none"> <li>a. meet with interested school leadership team and possible Teacher of Record to build an understanding of the establishment and facilitation of the Peers as Partners program at their school.</li> <li>b. reach out to school leadership teams that have a current program to establish continued commitment at the beginning of each year.</li> </ul> | FIN & District staff  | a. June 2021<br><br>b. September 2020                   | meeting dates, sign in sheets, tour dates   | As requested by school leadership or district team.<br>Technical assistance to schools implementing the program |  |

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

|  |     |           |  |   |  |
|--|-----|-----------|--|---|--|
| <p>2. Support implementation of PPL through a Community of Practice for teachers of record and provide continued support and resources to students enrolled at the following schools:</p> <ul style="list-style-type: none"> <li>● LAKE MARY HIGH</li> <li>● OVIEDO HIGH*</li> <li>● LAKE BRANTLEY HIGH*</li> <li>● LAKE HOWELL HIGH</li> <li>● <del>TUSKAWILLA MIDDLE</del></li> <li>● JACKSON HEIGHTS MIDDLE</li> <li>● HAGERTY HIGH*</li> <li>● LAWTON CHILES MIDDLE</li> <li>● INDIAN TRAILS MIDDLE</li> <li>● ROCK LAKE MIDDLE</li> <li>● <del>LYMAN HIGH SCHOOL</del></li> <li>● SOUTH SEMINOLE MIDDLE</li> <li>● WINTER SPRINGS HIGH</li> <li>● MARKHAM WOODS MIDDLE</li> </ul> <p>Schools with * indicate schools that could emerge as a demonstration site; add FIN supports to assist that in happening)</p> | FIN | June 2021 | COP dates, resources shared, sign in sheets, progress monitoring of technical assistance | COP dates TBD for SY: 2020-2021<br>Technical assistance as requested by Teacher of Record or administration |  |
| <b>Notes/Comments:</b>   |     |           |  |   |  |

|   |  |
|---|--|
| <b>District BPIE Priority Indicator(s):</b> | <b>State Strategic Plan Indicator(s): (please mark)</b><br><input type="checkbox"/> Indicator 5a Regular Class<br><input type="checkbox"/> Indicator 5b Separate Class<br><input type="checkbox"/> Indicator 5c Other Separate Environment |
|---|--|

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

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.  
(Rating: PA)

\_\_\_ Indicator 3c/Reading Proficiency  
\_\_\_ Indicator 3c/Math Proficiency  
**Other: Family Resources**

**SMART Goal 3: By June 2021, district leadership will disseminate at least two Florida Inclusion Network resources per quarter for 5 quarters to distribute to families for the Parent Resource Library as measured by electronic communication.**

| <b>Goal 3<br/>Action Steps:</b>   | <b>By Whom:</b><br>(FIN, District,<br>Other<br>Collaborative<br>Partner) | <b>By When:</b><br>(Deadline for<br>Completion–<br>Month/Year) | <b>By What:</b><br>(Provide evidence that will<br>demonstrate completion of<br>Action Step.) | <b>Follow-up:</b><br>(Measurable and<br>aligned with each action<br>step) | <b>Status:</b><br>(Completed,<br>in-progress, revised,<br>additional goal/action<br>step) |
|---|--|--|--|---|---|
| 1. FIN will share Quarter 4 2020 Resources: <ul style="list-style-type: none"> <li>● Family Cafe info</li> <li>● Making Friends Tips</li> <li>● FIN Family Resources and Services link</li> <li>● Special Ed Connect</li> </ul>   | FIN , District   | June 2020  | flyers, web links, handouts  | As determined by the Leadership Team and/or families seeking information  |   |
| 2. FIN will share Quarter 1 2020 Resources: <ul style="list-style-type: none"> <li>● 7 Back to School Tips</li> <li>● Communication Tips</li> <li>● Partners in Policymaking info</li> <li>● What Is Inclusion?</li> <li>● Building Inclusive Schools eLearning Module</li> <li>● Including Students with a Significant Cognitive Disability: Module 1 &amp; 2</li> <li>● FND/FDLRS Facebook Live Sessions</li> </ul> | FIN, District  | September 2020   | hand outs, web links   | As determined by the Leadership Team and/or families seeking information  |   |

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

|   |               |               |                               |  |  |
|---|---------------|---------------|-------------------------------|--|--|
| <p>3. FIN will share Quarter 2 2020</p> <p>Resources:</p> <ul style="list-style-type: none"> <li>● Volume 1 Factfolio: What it Means to be Inclusive?</li> <li>● Volume 2 Factfolio: What it Means to be an Advocate?</li> <li>● Internet Resources link</li> <li>● FND/FDLRS Facebook Live Sessions</li> </ul>     | FIN, District | December 2020 | hand outs, web links, posters | As determined by the Leadership Team and/or families seeking information |  |
| <p>4. FIN will share Quarter 3 2021</p> <p>Resources:</p> <ul style="list-style-type: none"> <li>● Volume 3 Family Factfolio: What it Means to have an Inclusive Classroom?</li> <li>● Volume 4 Family Factfolio: What it Means to have an Inclusive School?</li> <li>● FND/FDLRS Facebook Live Sessions</li> </ul> | FIN, District | March 2020    | hand outs, web links          | As determined by the Leadership Team and/or families seeking information |  |
| <p>5. FIN will share Quarter 4 2021</p> <p>Resources:</p> <ul style="list-style-type: none"> <li>● TATS/FIN Talk about Universal Design for Learning, Volume 1 #1 link</li> <li>● FND/FDLRS Facebook Live Sessions</li> <li>● TATS/FIN Talk about Universal Design for Learning, Volume 1 #2 link</li> </ul>        | FIN, District | June 2020     | hand outs, web links          | As determined by the Leadership Team and/or families seeking information |  |

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

### Notes/Comments:

#### 2019 LEA Profile:

#### Section Four: Parent Involvement

#### Parent Survey:

**Preschool:** 2017-2018: 78% participation (8% increase from 2016-2017)

**Grades K-12:** 2017-2018: 75% participation (1% increase from 2016-2017)

The district is creating and developing a parent resource library.

The district is embarking on micro PDs that help parents understand mental health, homework, academic, etc supports.

FDLRS supported teachers in learning the Facilitated IEP process which emphasizes parent involvement.

#### Suggested offerings:

Empowered Parents Series by FDLRS Action

FDLRS/FIN representation at Parent Nights, partnering with FND, Facebook Live sessions with FND/FDLRS, ( Transition Fair, etc...)





**Seminole County  
Public Schools**

Walt Griffin Ed.D.  
*Superintendent*

**Michelle Walsh, PhD**  
*Executive Director  
Student Support Services  
Phone: 407-320-2001  
Fax: 407-320-0294*

**Educational Support Center  
Student Support Services**  
400 E. Lake Mary Boulevard  
Sanford, Florida 32773-7127  
Phone: (407) 320-0216  
Fax: (407) 320-0294

*Visit Our Web Site*  
[www.seps.us/esss](http://www.seps.us/esss)

April 1, 2020

Attn: Parents of Students with Disabilities who have an Individual Education Plan  
RE: COVID-19 School Closures and Temporary Distance Learning Plan

Dear Parent/Guardian:

As you are aware, the United States and other nations around the world are currently fighting the spread of the novel Coronavirus, otherwise known as COVID-19. In an effort to protect our students and our community, Education Commissioner Richard Corcoran strongly recommended closing the schools until April 30, 2020, and has announced that all Florida students must begin distance learning by March 30, 2020. Seminole County Public Schools will be providing the required distance learning through a variety of formats including but not limited to: online learning, telelearning and the creation of individualized work packets.

Given the uncontrollable circumstances created by COVID-19, Seminole County Public Schools has followed the guidance of the Florida Department of Education which has provided school districts with recommendations regarding the provision of special education and related services for students with IEPs: "To support students identified with IEP-related services who may have a disruption in services, school districts have flexibility for the remainder of the school year to provide alternate services or delay services in coordination with the student's parents and IEP team."<sup>1</sup> The United States Department of Education (USDOE) similarly explained: "It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of student with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency."<sup>2</sup>

In order to ensure your child continues to progress with their education, your child's case manager will be in contact with you to collaborate regarding how to best implement your child's IEP during this school closure. This agreed-upon *Temporary Distance Learning Plan* will ensure that your child's educational needs are being met and instruction is presented in a manner that is consistent with the services and supports outlined in the current IEP.

If your child's IEP is set to expire during the temporary closure of schools, you will be contacted by a member of your child's IEP team to schedule a meeting to update your child's annual IEP or three-year re-evaluation. The IEP team will collaborate with you to decide upon a mutually agreeable format for the meeting. If you are interested in a "face-to-face" meeting, please know that we will follow the Centers for Disease Control (CDC) requirements for social distancing. Other options for IEP meetings include virtual formats or teleconferencing.

When school reopens, we will discontinue your child's Temporary Distance Learning Plan and all of the special education and related services will resume at your child's school site. Additionally, IEP teams may need to reconvene to determine whether your child's learning needs have changed during the temporary school closure.

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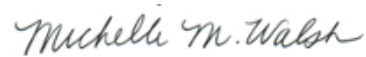
<sup>1</sup> FLDOE (March 24, 2020) *Coronavirus (COVID-19)*, retrieved from <http://www.fldoe.org/em-response/index.shtml>, (March 24, 2020)

<sup>2</sup> USDOE (March 21, 2020) *Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools while Serving Children with Disabilities*, retrieved from <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/tr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

Included with this letter are your Procedural Safeguards and an informational fact sheet concerning COVID-19. Should you have any immediate questions regarding this Temporary Distance Learning Plan, please feel free to contact the Student Support Services Department at 407-320-0216. Otherwise, school-based staff will be in contact with you in the near future to assist you and your child with this transition.

We look forward to collaborating with you during these unprecedented times to ensure your child continues to make progress with their education.

Sincerely,

A handwritten signature in cursive script that reads "Michelle M. Walsh".

Michelle Walsh, PhD  
Executive Director of Student Support Services  
Seminole County Public Schools  
400 E. Lake Mary Blvd  
Sanford, Florida 32773  
michelle\_walsh@scps.k12.fl.us

Attch: Procedural Safeguards  
FACT SHEET: Exceptional Student Education and COVID-19



**Seminole County  
Public Schools**

Walt Griffin Ed.D.  
*Superintendent*

**Michelle Walsh, PhD**  
*Executive Director  
Student Support Services  
Phone: 407-320-2001  
Fax: 407-320-0294*

**Educational Support Center  
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Fax: (407) 320-0294

*Visit Our Web Site  
[www.seps.us/esss](http://www.seps.us/esss)*

April 6, 2020

Attn: Parents of Students who are Gifted and have an Educational Plan  
RE: COVID-19 School Closures and Temporary Distance Learning Plan

Dear Parent/Guardian:

As you are aware, the United States and other nations around the world are currently fighting the spread of the novel Coronavirus, otherwise known as COVID-19. In an effort to protect our students and our community, Education Commissioner Richard Corcoran strongly recommended closing the schools until April 30, 2020, and Seminole County Public Schools began distance learning on March 30, 2020. Seminole County Public Schools will be providing the required distance learning through a variety of formats including but not limited to: online learning, telelearning and the creation of individualized work packets.

Given the uncontrollable circumstances created by COVID-19, Seminole County Public Schools has followed the guidance of the Florida Department of Education, which has provided school districts with recommendations regarding the provision of services for students who receive Exceptional Student Education (ESE) services: "To support students identified with services who may have a disruption in services, school districts have flexibility for the remainder of the school year to provide alternate services or delay services in coordination with the student's parents and IEP team."<sup>1</sup>

In order to ensure your child continues to progress with their education, your child's case manager will be in contact with you to collaborate regarding how to best implement your child's EP during this school closure. This agreed-upon *Temporary Distance Learning Plan* will ensure that your child's educational needs are being met and instruction is presented in a manner that is consistent with the services outlined in the current EP.

If your child's EP is set to expire during the temporary closure of schools, you will be contacted by a member of your child's EP team to schedule a meeting to update your child's EP. The EP team will collaborate with you to decide upon a mutually agreeable format for the meeting. If you are interested in a "face-to-face" meeting, please know that we will follow the Centers for Disease Control (CDC) requirements for social distancing. Other options for EP meetings include virtual formats or teleconferencing.

When school reopens, we will discontinue your child's Temporary Distance Learning Plan and all of the Gifted services will resume at your child's school site. Additionally, EP teams may need to reconvene to determine whether your child's learning needs have changed during the temporary school closure.

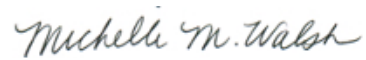
Included with this letter are your Procedural Safeguards and an informational fact sheet concerning COVID-19. Should you have any immediate questions regarding this Temporary Distance Learning Plan, please feel free to contact the Student Support Services Department at 407-320-0216. Otherwise, school-based staff will be in contact with you in the near future to assist you and your child with this transition.

---

<sup>1</sup> FLDOE (March 24, 2020) *Coronavirus (COVID-19)*, retrieved from <http://www.fldoe.org/em-response/index.shtml>, (March 24, 2020)

We look forward to collaborating with you during these unprecedented times to ensure your child continues to make progress with their education.

Sincerely,

A handwritten signature in cursive script that reads "Michelle M. Walsh".

Michelle Walsh, PhD  
Executive Director of Student Support Services  
Seminole County Public Schools  
400 E. Lake Mary Blvd  
Sanford, Florida 32773  
michelle\_walsh@scps.k12.fl.us

ATTM: FACT SHEET: Exceptional Student Education and COVID-19  
Procedural Safeguards for Exceptional Students Who Are Gifted